

Exhibit 2

Part 1

In the Matter of the)
Independent Investigation)
under New York Executive)
Law Section 63(8))
_____)

HIGHLY CONFIDENTIAL

VIDEO RECORDED TESTIMONY OF MELISSA DEROSA

New York, New York

Monday, July 5, 2021

Reported Stenographically By:
PATRICIA A. BIDONDE
Registered Professional Reporter
Realtime Certified Reporter
JOB #: 365722

Melissa DeRosa Highly Confidential

July 05, 2021

July 5, 2021

9:03 a.m.

HIGHLY CONFIDENTIAL Video

Recorded Testimony of, MELISSA DEROSA,
held at the offices of Cleary, Gottlieb,
Steen & Hamilton LLP, One Liberty Plaza,
New York, New York, before Patricia A.
Bidonde, Stenographer, Registered
Professional Reporter, Realtime
Certified Reporter, Certified eDepoze
Court Reporter, Notary Public of the
State of New York, and Notary Public of
the State of Connecticut.

July 05, 2021

A P P E A R A N C E S

CLEARY, GOTTlieb, STEEN & HAMILTON LLP

Special Deputy to the First Deputy Attorney

General to the State of New York

One Liberty Plaza

New York, New York 10006

BY: JENNIFER KENNEDY PARK, ESQ.

212-225-2357

jkpark@cgsh.com

BY: JOON H. KIM, ESQ.

212-225-2950

jkim@cgsh.com

BY: LORENA MICHELEN, ESQ.

212-225-2482

lmichelen@cgsh.com

VLADECK, RASKIN & CLARK, P.C.

Special Deputy to the First Deputy Attorney

General to the State of New York

565 Fifth Avenue

New York, New York 10017

BY: ANNE L. CLARK, ESQ.

212-403-7300

aclark@vladeck.com

July 05, 2021

A P P E A R A N C E S (CONTINUED)

KAPLAN HECKER & FINK LLP

Attorneys for The Witness

350 Fifth Avenue

Suite 7110

New York, New York 10118

BY: SEAN HECKER, ESQ.

212-763-0883

shecker@kaplanhecker.com

BY: SHAWN G. CROWLEY, ESQ.

scrowley@kaplanhecker.com

BY: JUSTIN R. HORTON, ESQ.

jhorton@kaplanhecker.com

ALSO PRESENT:

CHRISTIAN BIDONDE, Videographer

- - -

July 05, 2021

- - -

P R O C E E D I N G S

- - -

THE VIDEOGRAPHER: We are on the record at 9:03 a.m. on July 5, 2021. Audio and video recording will continue to take place until all parties agree to go off the record. Please note that microphones are sensitive and may pick up whispering and private conversations.

This is the video recorded deposition of Melissa DeRosa, in the matter of Independent Investigation under law Section 63, Subpoint 8.

This deposition is being held at Cleary, Gottlieb, Steen & Hamilton LLP, located at One Liberty Plaza New York, New York.

My name is Christian Bidonde. I'm the videographer on behalf of US Legal Support. The court certified stenographer is Patricia Bidonde, on behalf of US Legal Support.

I'm not related to any party in this action nor am I financially

July 05, 2021

1 interested in the outcome.

2 Counsel will state their
3 appearances for the record, after which
4 the court reporter will swear in the
5 witness.

6 MS. KENNEDY PARK: Good morning,
7 Ms. DeRosa. I'm Jennifer Kennedy Park.
8 I'm with the law firm of Cleary,
9 Gottlieb, Steen & Hamilton. But for
10 today's purposes, I'm a Special Deputy,
11 the First Deputy Attorney General of the
12 New York Attorney General's office.

13 MS. CLARK: Hi. I'm Anne Clark
14 from the law firm of Vladeck, Raskin &
15 Clark. And again, I am also a Special
16 Deputy today.

17 MR. KIM: Joon Kim, also from
18 Cleary, Gottlieb, Steen & Hamilton and
19 appearing as a Special Deputy today.

20 MS. MICHELEN: Lorena Michelen,
21 also from Cleary, Gottlieb, appearing as
22 a Special Assistant to the First Deputy
23 Attorney General.

24 MR. HECKER: Sean Hecker, Shawn
25 Crowley, and Justin Horton, all from

July 05, 2021

1 Kaplan Hecker & Fink for Ms. DeRosa.

2 M E L I S S A D E R O S A, called as a

3 witness, having been duly sworn by a

4 Notary Public, was examined and

5 testified as follows:

6 EXAMINATION BY

7 MS. KENNEDY PARK:

8 Q. Good morning, Ms. DeRosa.

9 A. Good morning.

10 Q. As I just mentioned, my name is
11 Jennifer Kennedy Park. The New York Attorney
12 General has appointed the law firms Cleary,
13 Gottlieb, Steen & Hamilton and Vladeck, Raskin
14 & Clark to conduct an independent
15 investigation under New York Executive Law 63
16 Section (8) into allegations of sexual
17 harassment brought against Governor Andrew
18 Cuomo as well as the surrounding
19 circumstances.

20 You're here today pursuant to a
21 subpoena issued in connection with that
22 investigation. I'll note at the outset that
23 obviously today's proceeding is being video
24 recorded and you are under oath.

25 That means that you must testify

July 05, 2021

1 fully and truthfully just as if you were
2 sitting in a court of law before a judge or a
3 jury. And your testimony is subject to the
4 penalty of perjury. Do you understand?

5 A. I do.

6 Q. If you would like to make a brief
7 sworn statement today, I'll give you the
8 opportunity to do so at the conclusion of the
9 examination, whether that be today or
10 tomorrow. Okay? Do you understand?

11 A. I do.

12 Q. Although this is a civil
13 investigation, the New York Attorney General's
14 office has criminal enforcement authority. So
15 you have the right to refuse to answer my
16 questions if answering the question would
17 incriminate you.

18 However, a failure to answer can
19 be used against you in a court of law in a
20 civil proceeding. Do you understand?

21 A. I do.

22 Q. Okay. You're appearing today
23 with your attorneys. You can consult your
24 attorneys today about privileged matters. But
25 this is not a deposition, and so they won't be

July 05, 2021

1 making objections. Do you understand?

2 A. Mm-hmm.

3 Q. Okay. As you can see, we have a
4 court reporter, and we are very thankful to be
5 in person today. So you just said "mm-hmm" a
6 second ago. We can't say mm-hmm. So you have
7 to say yes or no when you're answering my
8 questions. You can't nod because she can't
9 record a nod.

10 Do you understand?

11 A. I do.

12 Q. Okay. And you have to let me
13 finish before you answer, and I'll let you
14 finish your answer so that she can record my
15 questions and your answers. Do you
16 understand?

17 A. I do.

18 Q. Okay. If you want to clarify an
19 answer at any point, whether it's to a
20 question that I've just asked you or a
21 question I asked you before, just tell me.
22 Just say "Actually, there's something I want
23 to clarify," and we'll go back and we'll do
24 that.

25 Do you understand?

July 05, 2021

1 A. I do.

2 Q. If you don't understand a
3 question I'm asking, please tell me you don't
4 understand. All right?

5 A. Yes.

6 Q. There you go. I'm going to ask
7 about some names. I'm going to ask about some
8 dates and some other specific information. If
9 you don't remember a specific name, if you
10 don't remember a specific date, I'm asking you
11 to give me your best approximation.

12 Do you understand?

13 A. Yup.

14 Q. If you need a break, just let us
15 know, and we'll go off the record as long as
16 there's not a question pending. If you want
17 to take a break, I'll just ask -- answer the
18 question I've just asked, and then we can take
19 a break. All right?

20 A. Sure.

21 Q. No one is recording this in the
22 room other than the videographer?

23 MR. HECKER: Correct.

24 MS. CROWLEY: Correct.

25 MR. HORTON: Correct.

1 Q. There you go. All right. Under
2 Executive Law 63, Section 8, the provision of
3 which this is being conducted, you're
4 prohibited and your counsel is prohibited from
5 revealing anything about which we ask you
6 today or anything about which you tell us
7 today. If anyone asks you to disclose that
8 information, you should let us know.

9 Do you understand?

10 A. I do.

11 Q. Okay. Are you taking any
12 medication or drugs that might make it
13 difficult for you to understand my questions?

14 A. No.

15 Q. Can you state your name, date of
16 birth, and your current home and business
17 address?

18 A. Melissa Dina DeRosa.

19 [REDACTED]. Should I be looking at
20 you or her when I answer these questions?

21 Q. So you should really be looking
22 at the camera to the best you can, but I
23 understand that's awkward. So we'll look at
24 each other.

25 A. Okay. [REDACTED] I'm

1 at [REDACTED]
2 [REDACTED]. And I have two
3 offices, 633 Third Avenue in Manhattan and the
4 New York State Capitol in Albany.

5 Q. Okay. We're both talking a
6 little fast today. So we'll both try to slow
7 down or the court reporter will tell us to
8 slow down and we'll do our best. All right?

9 A. Okay.

10 Q. Okay. Have you ever given
11 testimony before?

12 A. I have not.

13 Q. Okay. Other than conversations
14 with your lawyers, what have you done to
15 prepare for today's testimony?

16 A. I went back and reviewed some
17 news articles. I went back and reviewed some
18 e-mails and text messages, and we did two Zoom
19 prep sessions and two in-person prep sessions.

20 Q. Are all the news articles,
21 e-mails, and text messages that you reviewed
22 to prepare for today documents that your
23 counsel has produced to us?

24 A. Yes.

25 Q. All right. You've got two big

Melissa DeRosa Highly Confidential
July 05, 2021

1 binders in front of you. If you can pull open
2 the second binder right here, the farthest one
3 to your left.

4 A. The farthest one to my left? So
5 this one?

6 Q. Sorry. Your right.

7 A. Okay.

8 Q. And go to Tab 246. Sorry, very
9 thick. We'll mark this as our first exhibit.
10 We'll take a moment to look at it. And when
11 you're done, just look up.

12 (Exhibit 1, Testimony Subpoena
13 for Melissa DeRosa, dated June 28, 2021,
14 marked for identification, as of this
15 date.)

16 A. (Document review.)

17 Q. Okay. Is this the testimony
18 subpoena you received from the New York
19 Attorney General's office?

20 A. I believe so.

21 Q. Did you read this subpoena before
22 today?

23 A. No.

24 Q. So this is the first time you're
25 reading it?

Melissa DeRosa Highly Confidential

July 05, 2021

1 A. Yes.

2 Q. Okay. Have you fully read it?

3 A. Just now, yes.

4 Q. Okay. Do you understand that
5 this is the subpoena to which your testimony
6 is being taken today?

7 A. Yes.

8 Q. Okay. We're going to turn to
9 Tab 237, and mark this as the next exhibit.

10 (Exhibit 2, Subpoena from New
11 York Attorney General's office for
12 Melissa DeRosa, requesting documents,
13 marked for identification, as of this
14 date.)

15 Q. Why don't you take a look at it.
16 And then when you're done looking at it, let
17 me know.

18 A. Yes, so I've read this one
19 previously.

20 Q. Okay. So is this the subpoena
21 for documents that you received from the --

22 A. Yes.

23 Q. -- New York State Attorney
24 General's office? You just have to wait.

25 A. Sorry.

Melissa DeRosa Highly Confidential
July 05, 2021

1 Q. It's okay. She'll go crazy if we
2 don't do that.

3 So is this the testimony subpoena
4 for documents that you received from the New
5 York Attorney General's office?

6 A. Yes.

7 Q. Okay. And did you review this
8 before today?

9 A. Yes.

10 Q. What did you do to comply with
11 the subpoena?

12 A. The law firm Kaplan Hecker imaged
13 my phone. I gave them access to my personal
14 Gmail and my campaign Gmail. All of my
15 e-mails on my official executive e-mail had
16 been retained previously because I had been
17 under a litigation hold.

18 So from, I think, March 1
19 forward, everything had been retained.
20 Whether or not I had it deleted it in my
21 inbox, there was a backup copy. And I gave
22 the IT people in my office my BlackBerry to
23 extract the pins.

24 Q. Okay. So just back up. So your
25 BlackBerry, was that something that was issued

July 05, 2021

1 to you by the executive chamber?

2 A. Yes.

3 Q. And you provided that to Harold

4 Moore?

5 A. Correct.

6 Q. Okay. And your phone, what kind

7 of phone was it?

8 A. An iPhone.

9 Q. Okay. Do you have any other

10 cellular devices other than the BlackBerry and

11 the phone?

12 A. There was a work iPhone that was
13 issued to me two years ago that I never turned
14 on and wouldn't be able to turn on if you
15 asked me to. So that exists in the world, but
16 it wouldn't have anything relevant on it, and
17 I don't know where it is.

18 Q. Okay. And the cellular phone
19 that you provided to counsel, that was an
20 iPhone?

21 A. Yes.

22 Q. And you said you gave your
23 counsel access to your personal Gmail and to
24 your campaign e-mail. Do you have any other
25 e-mail addresses other than your executive

July 05, 2021

1 chamber e-mail address?

2 A. No.

3 Q. Did you look through any paper

4 files?

5 A. I don't keep paper files.

6 Q. You don't keep any notebooks or

7 journals or schedules?

8 A. No.

9 Q. Your personal iPhone, did you
10 check your auto delete feature at any point?

11 A. Yes. After we received the
12 subpoena on March 15, we were instructed
13 shortly after that to make sure that the
14 30-day auto-delete had been turned off.

15 Q. And had your 30-day auto-delete
16 been turned off prior to March 15?

17 A. I believe a couple of days prior.

18 Q. How much earlier than March 15
19 did you turn off the auto-delete feature on
20 your iPhone?

21 A. I think it was probably around
22 the 12th.

23 Q. What caused you to turn off the
24 auto-delete feature on your iPhone?

25 A. I didn't realize that it was on.

Melissa DeRosa Highly Confidential
July 05, 2021

1 And I was talking to Harold about information
2 that I was -- needed to preserve for another
3 matter. And so in that process, we realized
4 that the 30-day auto-delete was on and turned
5 it off.

6 Q. Any other documents you searched
7 to provide in response to the subpoena?

8 A. Oh, my Twitter account. They
9 searched the DMs in my Twitter account.

10 Q. Did you give your counsel access
11 to any other social media accounts?

12 A. Yes. But there was nothing.
13 They only have Instagram and there's nothing
14 related to this. And then I believe that they
15 also went through my -- the hard drive on my
16 computer, both in New York City and Albany, to
17 see if there were any relevant documents.

18 Q. When you say "the hard drive on
19 your computers in New York City and Albany,"
20 are those executive chamber-issued devices or
21 personal devices?

22 A. Executive chamber devices.
23 They're my desktops.

24 Q. So your counsel, Mr. Hecker, and
25 his colleagues went through your executive

July 05, 2021

1 chamber hard drives?

2 A. I actually don't know if they did
3 or if the executive chamber did.

4 Q. Okay. And do you have any
5 personal computers?

6 A. A laptop.

7 Q. And what happened with that?

8 A. I gave it to Kaplan Hecker and
9 they imaged it.

10 Q. And going back to social media,
11 do you have Facebook?

12 A. No.

13 Q. Snapchat?

14 A. No.

15 Q. Any of the other snap platforms?

16 A. Nothing.

17 Q. Do you use LinkedIn?

18 A. No.

19 Q. Anything else we haven't covered
20 that you did to respond to the subpoena for
21 documents?

22 A. I think that's it.

23 Q. Okay. Can you take us through
24 your educational background, starting with
25 university or college?

July 05, 2021

1 A. I attended Cornell University in
2 Ithaca, New York, received a bachelor's degree
3 in industrial and labor relations, graduated
4 in 2004, and then I returned to Cornell
5 University a couple of years later and got a
6 master's in public administration and
7 graduated in 2009.

8 Q. I'm just going to ask you to slow
9 down. Okay?

10 A. Sorry. It's the pace of my --

11 Q. I understand but she has to
12 record it, and otherwise we're going to make
13 her day very difficult if we don't slow down.

14 Other than the master's from
15 Cornell, do you have any advanced degrees?

16 A. No.

17 Q. Have you taken any advanced
18 courses?

19 A. No.

20 Q. Can you outline your employment
21 history for us, starting with your first
22 position after graduating from Cornell in
23 2004?

24 A. I was a fashion publicist out of
25 school for a year at Theory, which is a

1 fashion house here in New York, my rebellious
2 phase. I then worked for Bolton-St. Johns,
3 which is my father's firm. I was there for a
4 year.

5 I worked for one of his partners
6 on a couple of campaigns, a transportation
7 bond act initiative and a congressional
8 campaign.

9 I then worked for -- as a
10 campaign manager for a woman running for
11 congress in Upstate New York, [REDACTED],
12 at which time I was doing that while
13 simultaneously attending graduate school and
14 going back and forth.

15 And at the conclusion of that
16 campaign, I became the director of
17 communications and legislation for public
18 affairs from Cordo & Company.

19 After that I was named New York
20 State director of President Obama's political
21 organization in New York, Organizing for
22 America.

23 After that I was named deputy
24 chief of staff to the attorney general when it
25 was Eric Schneiderman I served as his acting

July 05, 2021

1 chief of staff for a brief period of time, and
2 then I became communications director for
3 Governor Cuomo.

4 In 2015 we amended my title to be
5 communications director and strategic advisor
6 to the governor. The next year I was named
7 chief of staff, and a year and a half later,
8 secretary to the governor.

9 I also serve as the chairwoman on
10 the Council on Women and Girls.

11 Q. When did you become the
12 communications director for the executive
13 chamber?

14 A. April 2013.

15 Q. And just to make sure I got this
16 right: In 2015 is when you became -- you
17 added the title -- I think you said strategic
18 advisor?

19 A. Yeah, in January of 2015,
20 strategic advisor. And then I believe that
21 December is when I was named chief of staff.

22 Q. December of 2016?

23 A. I think it was 2015 or
24 January 2016.

25 Q. Tell us about how it is that you

1 became the communications director for the
2 executive chamber.

3 A. I had known Governor Cuomo for
4 years just through political circles. I knew
5 a lot of his top staff. So I was on their
6 radar.

7 When he was running for attorney
8 general and won, they actually tried to hire
9 me to come in and be director of
10 intergovernmental affairs. Joe Percoco and
11 Josh Vlasto and [REDACTED] engaged me on that.

12 I declined because I had an offer
13 to be deputy chief of staff to the attorney
14 general, and I thought that I would get more
15 high-level experience being, you know, fewer
16 chiefs situation. And so I declined that.

17 And then two years later, when
18 the position for communications director
19 opened up, they reached back out and recruited
20 me. And it was an offer I couldn't pass up.

21 Q. When you say "they reached back
22 out," who reached back out?

23 A. Josh Vlasto, Joe Percoco, and
24 Larry Schwartz.

25 Q. And you said it was an offer you

July 05, 2021

1 couldn't pass up. Why is that?

2 A. Being communications director to
3 the governor of the State of New York is, you
4 know, for me, growing up in politics and
5 always sort of dreaming of being at the center
6 of the political world was something that I
7 couldn't say no to.

8 Q. Tell us about the interview
9 process.

10 A. It wasn't an interview process.
11 I was recruited.

12 Q. In the recruitment process, did
13 you meet with Governor Cuomo?

14 A. No. Not until after I accepted
15 the job.

16 Q. How long was the recruiting
17 process?

18 A. I'm -- I want to say it was
19 probably, like, a week and a half. They
20 needed an answer quickly because their
21 communications director was leaving, and if I
22 wasn't going to take the job, then they were
23 going to move on to other options.

24 I had already been working for
25 the state, and so the background review

1 process was able to be expedited.

2 Q. What was your starting salary as
3 communications director?

4 A. I think it was [REDACTED]. It was
5 commensurate with the woman who had the job
6 before me, [REDACTED] was paid.

7 Q. Did you negotiate that salary?

8 A. I believe I said, "I expect to be
9 paid what [REDACTED] was paid."

10 Q. Did you talk to anybody else as
11 part of the decision-making process?

12 A. What do you mean? Like, I
13 consulted with family.

14 Q. Other than family, did you talk
15 to anybody else?

16 A. Friends, reporters.

17 Q. And which friends did you talk to
18 during that recruiting process?

19 A. I spoke to [REDACTED], who was
20 the attorney general's chief of staff when I
21 was deputy chief of staff. I spoke to
22 [REDACTED], who served as
23 communications -- or campaign manager to the
24 governor's 2008 run. People like that who
25 just were generally in politics.

1 Q. Anyone else you can remember
2 talking to during the recruiting process?

3 A. Like college friends,
4 girlfriends.

5 Q. And what did you talk to [REDACTED]
6 [REDACTED] about?

7 A. I asked him if he thought that it
8 was a good idea.

9 Q. And what did he say?

10 A. He thought that I should stay in
11 the attorney general's office and be, like,
12 the youngest chief of staff to the attorney
13 general, and that I would have a lot more room
14 to run and grow, and that if I went over there
15 as communications director, I could get
16 pigeonholed, and in my time in the attorney
17 general's office, I had grown to be much more
18 than that.

19 And so he thought that I should
20 stay and do that versus going to be
21 communications director.

22 Q. So he was trying to convince you
23 to stay?

24 A. Yes.

25 Q. Didn't work?

1 A. No.

2 Q. And you said [REDACTED] -- or I

3 think it was [REDACTED]. What --

4 A. [REDACTED]

5 Q. What did you talk to her about?

6 A. I mean, same thing, what do you
7 think, and she said it's going to be a lot of
8 work. It's 24/7. It's very intense. He
9 works really hard. He expects everyone around
10 him to work really hard.

11 Although I was always, sort of,
12 hardwired that way. So it wasn't -- that
13 wasn't something that dissuaded me. That was
14 something that excited me.

15 Q. Anything else you remember she
16 said?

17 A. No.

18 Q. Did either Ms. [REDACTED] or
19 Mr. [REDACTED] say anything about working with
20 Larry Schwartz?

21 A. No.

22 Q. Or working with Joe Percoco?

23 A. No.

24 Q. And you said --

25 A. Not that I recall.

1 Q. -- said you spoke to some college
2 friends. What did you talk to the college
3 friends about?

4 A. What do you think, what should I
5 do. And they were like, of course you should
6 do this. This is the kind of thing you've
7 wanted your whole life. Like, you're not a
8 lawyer. Being chief of staff in the attorney
9 general's office not as a lawyer, like, you're
10 ultimately going to, you know, reach a ceiling
11 and what's the point.

12 So go be in the government's
13 office. It's what you love. It's what you
14 care about. So they encouraged me to take the
15 job.

16 Q. Anyone discourage you from taking
17 the job?

18 A. No, other than [REDACTED]

19 Q. You said, before you took the
20 role as communications director, that you had
21 known Governor Cuomo for years.

22 A. Mm-hmm.

23 Q. When was the first time you met
24 Governor Cuomo?

25 A. I mean, in rope lines and things

1 like that from the time I was a kid. One
2 instance that I remember meeting him in a more
3 substantive way was in 2008 when I worked for
4 [REDACTED] and [REDACTED].

5 They threw a fundraiser for him
6 at the Capitol Grille, which was a very small
7 event, 20 people, sit-down lunch. And so it
8 was a real opportunity to exchange ideas and
9 hear from him on his philosophy of governing
10 and get to ask questions.

11 Q. And that was in 2008 you said?

12 A. Mm-hmm.

13 Q. It was the first substantive
14 interaction you had with Governor Cuomo?

15 A. Mm-hmm.

16 Q. Were you seated at his table
17 during that lunch?

18 A. There was only one table.

19 Q. What do you remember him talking
20 about?

21 A. I remember him talking about
22 challenging bureaucracy. I remember him
23 talking about how broken Albany was. It was,
24 like, very clear back then he was thinking of
25 running for governor.

1 So he talked a lot about his
2 vision for moving Albany forward and the
3 dysfunction and on-time budgets and
4 legislation that would just wean on for years
5 and years; and that he believed that Albany
6 is, sort of, where good ideas came to die, and
7 that didn't have to be the way.

8 And he talked a lot about his
9 time in Albany in the '80s with his father and
10 how government could be a vehicle for good.
11 And if you get good, smart, dedicated public
12 servants, the sky is the limit. It was very
13 inspiring.

14 Q. Did you say anything to Governor
15 Cuomo on that occasion?

16 A. No. I just listened. I was a
17 kid.

18 Q. How old were you?

19 A. In 2008 I was [REDACTED]

20 Q. Who else was at your table?

21 A. It was the partners at the firm
22 and some clients. So [REDACTED]
23 [REDACTED] and some other partners -- or some
24 other clients of the firm. I can't tell you
25 specifically who. I don't recall.

1 Q. Were you actually introduced to
2 the governor on that occasion?

3 A. He went around and shook hands
4 with everyone. It was a very small event.

5 Q. And after that event in 2008,
6 when was the next time you had a substantive
7 interaction with him?

8 A. In 2010, my father hosted an
9 event for him, and I met him -- remet him
10 again at that event and had a pretty lengthy
11 conversation.

12 Q. When in 2010 was that event?

13 A. I don't recall the month, but it
14 had to be -- like, it was before the election.
15 It had to be, like, August, September of that
16 year.

17 Q. And you said you had a
18 substantive interaction. Tell us about that
19 interaction.

20 A. I was serving as New York State
21 director for Obama's political organization.
22 And so I was point person between [REDACTED]
23 [REDACTED] in the White House and the DNC and
24 also the state party here in New York.

25 We had just done Obamacare, and

July 05, 2021

1 so we had a lot of marginal congressional
2 members who were being challenged. This was
3 during the Tea Party rise. So it was my job
4 to, sort of, be the go-between, the political
5 eyes and ears, and run the campaigns uniformly
6 for the White House.

7 And so I had access of a
8 tremendous amount of polling information. I
9 knew a lot about what was going on on the
10 ground and a lot of these, like, marginal
11 areas. And he was running for governor.

12 So we started talking about that,
13 and I started telling him what I was seeing on
14 the ground and where I saw trouble and how I
15 thought the trend line were going to go, where
16 people were not just going to go vote down
17 ballot, but potentially vote across ballot.

18 And so we just had a very quick
19 political conversation.

20 Q. How long did that conversation
21 last?

22 A. Probably, like, ten, 15 minutes.

23 Q. What was the entry price to
24 attend this fundraiser?

25 A. I don't remember.

1 Q. Do you remember how much was
2 raised?

3 A. No.

4 Q. When was the next substantive
5 interaction with Governor Cuomo?

6 A. He called me a couple of days
7 later to follow up on that conversation.

8 Q. Where did he call you?

9 A. On my cell phone.

10 Q. How did he get your cell phone
11 number?

12 A. From [REDACTED].

13 Q. How do you know that?

14 A. Because [REDACTED]
15 texted me and said, "Stephanie Benton just
16 asked for your phone number. I think the
17 attorney general is going to reach out."

18 Q. Did you know who Stephanie Benton
19 was at that time?

20 A. I knew that she was the attorney
21 general's executive assistant.

22 Q. And when was this outreach on
23 your cell phone from the governor?

24 A. It was shortly after that event.
25 I don't remember specifically.

1 Q. And he called you on your cell
2 phone, and how long did that conversation
3 last?

4 A. Probably about ten minutes. He
5 wanted to make sure that I was talking to his
6 campaign, which was being run at the time by
7 the late [REDACTED] and also the state
8 party coordinated effort which was being done
9 by [REDACTED], so that all of the resources
10 were being shared and information shared and
11 that we were being -- that they were being
12 helpful to us, that we were all working
13 together, which I was happy to do. And that
14 was actually how I met [REDACTED]

15 Q. Did he try and recruit you during
16 that call?

17 A. No.

18 Q. You have amazing memory of these
19 occasions. Did you -- were there documents
20 that you looked at that that refreshed your
21 memory about these moments?

22 A. No.

23 Q. When's the next substantive
24 interaction you had with Governor Cuomo?

25 A. President Obama was coming to a

July 05, 2021

1 GE plant in Schenectady, and I was the lead on
2 the ground for the event. And it was shortly
3 after the governor had been sworn in.

4 And so I was charged with, sort
5 of, corralling all of the elected officials
6 and making sure that the event went smoothly
7 in coordination with the White House.

8 And I saw him at that event and
9 chatted with him and Senator Gillibrand and
10 Senator Schumer. It was, like, the first big
11 event after President Obama was sworn in in
12 New York.

13 Q. So that makes this when?

14 A. January 2011.

15 Q. And you said you chatted with
16 Governor Cuomo at this event in January of
17 2011. What did you chat about?

18 A. He asked me what my plan was, if
19 I was going to go on the presidential reelect
20 campaign, which was sort of the natural
21 question at that moment.

22 Q. And what was your answer?

23 A. I had been offered to be the
24 deputy national political director, but it
25 meant relocating to Chicago, and I didn't want

1 to do that.

2 And I thought that it was
3 exciting that Eric had just been elected
4 attorney general, and that he was in the
5 governor's office. And so I thought there
6 could be an opportunity for me closer to home.

7 Q. Did you talk to Governor Cuomo
8 about that opportunity?

9 A. I just said that, basically, that
10 I didn't think I wanted to go to Chicago, and
11 I wouldn't have a choice if I wanted to take
12 that role.

13 Q. Did he try to recruit you then?

14 A. He said, "Why don't you come to
15 work for us? I'm sure there's something in
16 our operation. We're staffing up right now.
17 Talk to Josh and [REDACTED] and Joe and
18 see if there's something that makes sense."

19 Q. Did you do that?

20 A. Joe Percoco called me shortly
21 afterwards and asked me if I would be
22 interested in director of intergovernmental
23 affairs.

24 Q. How much -- how long after the
25 meeting with the governor at the event in

Melissa DeRosa Highly Confidential
July 05, 2021

1 January 2011 did Mr. Percoco call you?

2 A. A couple of days.

3 Q. And tell us about the

4 conversation with Mr. Percoco.

5 A. He just said, "Hey, reaching out,
6 following up. I know you spoke to the
7 governor at the event in Schenectady. Is this
8 something you might be interested in? I think
9 you could be great for it."

10 Q. And what did you tell him?

11 A. I appreciated the outreach and
12 the follow-up, but I had actually accepted an
13 offer in the intervening period for the
14 attorney general.

15 Q. Did he try to persuade you to
16 change your mind?

17 A. "Oh, come on, you want to be in
18 the governor's office. That's where the real
19 stuff happens. We're going to do marriage
20 equality. We're going to tame the beast in
21 Albany," you know, kind of thing.

22 And I was like, "I appreciate
23 that and hopefully down the line I won't miss
24 an opportunity to join the team later on. But
25 right now I think this is what's best for me."

July 05, 2021

1 Q. So you're leaving the door open a
2 little bit?

3 A. Yeah.

4 Q. So after the meeting with
5 the -- well, the chat with the governor in
6 January 2011, what's your next substantive
7 interaction with Governor Cuomo?

8 A. I believe it was the following
9 year, in 2012. We were negotiating I-STOP,
10 which is this prescription drug package. It
11 was a big initiative for the attorney general.
12 And I was his point person on negotiations.

13 And so it became pretty clear
14 pretty early that, if I wanted to get it done,
15 I had to win the governor's office over.

16 And so I worked with Jim
17 Malatras, who at the time was his policy
18 director, and Larry Schwartz, who was
19 secretary to the governor, and, sort of,
20 brought them along and said this is something
21 that we could do together. People don't
22 generally think of our offices as working well
23 together. Here is an opportunity.

24 And they agreed. And so Jim
25 Malatras and I together worked on that. And

July 05, 2021

1 through the course of negotiating that
2 legislation, I would be in Jim's office. The
3 governor would walk in occasionally and say,
4 "Hello. How are the negotiations going?" you
5 know, just small talk.

6 Q. How did the negotiations go?

7 A. Great. We passed the package.

8 Q. How often were you in meetings
9 with Mr. Malatras or Mr. Schwartz during that
10 time when the governor popped by?

11 A. I would say it's sporadic. I
12 mean, I was in meetings with Jim Malatras
13 constantly. But it was like -- you know, it
14 was incidental. Like, if he happened to be
15 passing through, he would stop in and just
16 make small talk.

17 Q. And which office were the
18 meetings in?

19 A. Jim's office.

20 Q. In 633 --

21 A. No. Up in the state capitol.
22 During legislative session, typically we're in
23 Albany. And then nonsession days we're in the
24 city.

25 Q. Where is Mr. Malatras' office in

July 05, 2021

1 relation to the governor's office?

2 A. Across the hall.

3 Q. So after the negotiation of
4 I-STOP, when's your next substantive
5 interaction with the governor?

6 A. I don't think again until they
7 recruited me to come over in 2013. I'm sure
8 that I saw him at events and said hello, but
9 nothing that stands out.

10 Q. Okay. And you joined as
11 communications director. What was your
12 responsibility?

13 A. I oversaw the second
14 floor -- second floor shorthand for the
15 executive chamber, the second floor's press
16 operation, and I was also responsibility for
17 the communications of 56 state agencies and
18 authorities.

19 I would hire and fire PIOs at the
20 agencies. It was my job to do overall
21 strategy, rapid response, press. If we were,
22 you know, trying to pass a massive piece of
23 legislation, it was my job to win over the
24 editorial boards and push back on detractors
25 and make the best argument. I spoke to

July 05, 2021

1 reporters frequently.

2 Q. You said "PIOs at agencies." Can
3 you tell us what "PIOs" stands for?

4 A. Public information officer. I
5 apologize.

6 Q. It's okay. Did you have
7 responsibility for hiring or firing anyone
8 else other than the PIOs?

9 A. No. I mean, within my press
10 shop, sure. But not outside of
11 communications.

12 Q. So within the communications
13 team, you had hiring and firing authority?

14 A. Yes. And that was deputy press
15 secretaries, press secretary, deputy comms
16 directors, assistants.

17 Q. What about the briefers, were
18 they part of your responsibility and
19 oversight?

20 A. No. I didn't interact with the
21 briefers really at all.

22 Q. And then you said at some point
23 you added strategic advisor as a title?

24 A. Yes.

25 Q. What was your responsibilities as

July 05, 2021

1 strategic advisor?

2 A. They didn't really change. It
3 was more a reflection publicly that my role
4 was broader than just doing comms. I had a
5 very predominant role in what issues we would
6 take up during State of the State or during
7 the legislative session.

8 I would run a lot of the
9 campaigns, be point person. And so the
10 thought was that if we tacked that on, it was
11 reflective of the fact that I was his
12 strategic advisor, but also that in the
13 outside world, people would be more responsive
14 and recognize that my role wasn't limited to
15 communications.

16 Q. Did someone have the role of
17 strategic advisor before you?

18 A. No.

19 Q. It was a new role created for
20 you?

21 A. Mm-hmm.

22 Q. You got to say yes.

23 A. Yes. I apologize.

24 Q. How did it come about that you
25 were going to get this newly created role?

July 05, 2021

1 A. Fred Dicker did a New York Post
2 column at the very end of 2014, as we were
3 transitioning from Term 1 to Term 2, and he
4 wrote that it was rumored that I was leaving
5 the administration.

6 And so the governor and I spoke
7 about how best to rebut that rumor. And I
8 said, "I'm happy to just say that I'm staying
9 here." And -- but I said to him, you know, "I
10 would also appreciate if you entertained me
11 adding on this additional title to my role. I
12 want to continue to grow. I'm more than just
13 comms."

14 I was, you know, Eric's chief of
15 staff. I was state director for Obama. Like,
16 I don't want to just be pigeonholed in comms.
17 And so if we did that, it would not only say
18 I'm staying here, it affirmatively, like,
19 also, you know, send a message that I wasn't
20 going anywhere.

21 So it's not just that I'm not
22 leaving this minute, but that I'm not going
23 anywhere.

24 Q. So creating the role was your
25 idea?

1 A. Yeah. Creating the -- it was
2 still comms director. It was comms director
3 and strategic advisor.

4 Q. Sorry, creating the title was
5 your idea?

6 A. Mm-hmm.

7 Q. Had you talked about the creation
8 of that title with anyone else before you
9 raised it to Governor Cuomo?

10 A. It was actually [REDACTED] idea.

11 Q. And you said there was a New York
12 Post article with a rumor that you would be
13 leaving the executive chamber.

14 Had you been considering leaving
15 the executive chamber?

16 A. No.

17 Q. So no truth to that rumor?

18 A. No. But Fred Dicker doesn't
19 really care about the truth.

20 Q. So you added the title of
21 strategic advisor, but your duties remain the
22 same?

23 A. Largely yes. It was more
24 actually reflective of what I was already
25 doing.

1 Q. And when you were the comms
2 director, did you do the role more expansively
3 than the prior comms director? So these
4 strategic responsibilities you were just
5 talking about, were those responsibilities the
6 prior comms director had?

7 A. Every comms director does the job
8 a little bit differently, but yes. I would
9 say that [REDACTED], who had the job
10 before me, who is now the, you know, VP at
11 CNN, Rich Bamberger who had the job before
12 her, like, he was a TV guy.

13 So they were much more focused on
14 tell the story, who's the victim, how do we,
15 you know, in the most compelling way, convey
16 the message. And I think I was much more
17 tactical, strategic, hand-to-hand combat with
18 the reporters.

19 These are the issues we should be
20 focusing on, the party is shifting this way,
21 we should get there first. It was just a
22 different approach.

23 But I think that that was also
24 because traditionally my role was larger
25 than -- oh, I'm sorry, can I go back? I

July 05, 2021

1 forgot, when I was in my resume, I served as
2 deputy press secretary to Nydia Velázquez as
3 well. So I'm sorry.

4 MR. HECKER: What year was that?

5 MS. KENNEDY PARK: I got that.

6 THE WITNESS: 2006. So it was
7 right after the democrats took back the
8 house.

9 A. So there, like, was, you know,
10 some comms in my background. And when I
11 worked for Cordo & Company, it was director of
12 communications and legislation. People knew I
13 had very good relationships with reporters,
14 but I wanted to be more than that.

15 Q. Were there any reporters at that
16 time you didn't have good relationships with?

17 A. I mean, you always fight with
18 certain reporters.

19 Q. Who were the certain reporters
20 that you were fighting with?

21 A. Fred Dicker.

22 Q. Anyone else other than Fred
23 Dicker?

24 A. I mean, Brendan Scott
25 occasionally. He was also a Post reporter.

1 Liz Benjamin. But, you know, when you say
2 "fight with," it's, you know, hand-to-hand
3 combat, and then everybody goes out and has a
4 drink afterwards.

5 Q. I'm not a comms person. So when
6 you say "hand-to-hand combat," I don't know
7 what you mean.

8 A. It's, you know, everyone has a
9 job to do. And they want to write a story,
10 and it's your job to shape the story or kill
11 the story. And so a lot of times that can be
12 contentious.

13 Q. And then after you took on the
14 role of strategic advisor, you became
15 secretary to the governor. Is that right?

16 A. Chief of staff.

17 Q. Chief of staff, sorry, to the
18 governor. How did that happen?

19 A. The role had become open. It was
20 first held by [REDACTED], who was viewed
21 largely as, like, a political communications
22 person in the administration. Then it was
23 held by Josh Vlasto, who had been press
24 secretary and also, you know, did a lot of
25 politics.

And so I thought that it was the next natural step for me, following, sort of, the same path as the two males that were before me. And so I asked for it.

Q. When you say you asked for it, you asked Governor Cuomo for it?

A. Yes.

Q. And what did he say?

A. He said, "Do you think it's going to disrupt the team at all? How will Jill feel about it? How will Joe feel about it? How will [REDACTED] feel about it?"

And I said, "I don't know but I'm happy to have those conversations with your blessing. I don't want to do anything to, sort of, disrupt the apple cart, but I think I've earned it."

And he said, "Have some conversations and if you still feel like it's what you want, then I, you know, I'm on board."

Q. What is your understanding of why the governor thought it might disrupt the team?

A. Chief of staff is a very tricky

1 title in our administration, because really
2 the chief of staff is the secretary to the
3 governor. Chief of staff in our
4 administration was more focused specifically
5 on executive operations, politics, comms,
6 advance, like, that side of the world, not
7 just running, you know ...

8 When you're chief of staff to the
9 governor, you run all the agencies. You're
10 responsible for the agencies. You're
11 responsible for the working of government.
12 Chief of staff is sort of a unique, carved-out
13 role.

14 So when people would get that
15 title, sometimes it ruffled other people's
16 feathers because they would think, Oh, are you
17 now my boss, or where does this put me in the
18 world vis-à-vis you? And like any
19 organization, you have to manage, you know,
20 egos.

21 Q. So did you go and talk to Jill,
22 Joe, and [REDACTED]

23 A. I did.

24 Q. Tell us about the conversation
25 with Jill.

1 A. Jill was excited for me. She was
2 like, "Congratulations. Absolutely, you
3 deserve it. I'll do anything I can to support
4 you."

5 Q. What was her title at the time?

6 A. I think that she was at that
7 point director of scheduling. But Joe was
8 just about to leave, and she was going to take
9 Joe's title, which was executive deputy
10 secretary.

11 Q. And what about the conversation
12 with Joe?

13 A. Joe thought it was great. I
14 mean, he was leaving, and so I think he wanted
15 to make sure that he could leave feeling good
16 that the organization was fully intact and
17 running in a way that the governor could rely
18 on.

19 And I think that he viewed me as
20 someone who was very steady, that would help
21 that transition.

22 Q. And I think you said [REDACTED]?

23 A. Mm-hmm.

24 Q. Tell us about that conversation.

25 A. [REDACTED] had just been named

1 secretary. I had known [REDACTED] since I was a
2 kid. I had actually gone to him for advice
3 out of college for, like, what to do with my
4 life.

5 And he had always, sort of, been
6 a mentor to me. And he said that he thought
7 that it was the obvious next step and a
8 well-deserved title that would suggest more
9 about what I was doing and more reflective of
10 my value to the organization, and that I
11 should absolutely take it.

12 Q. Did you talk to anyone else about
13 taking the role of chief of staff?

14 A. No.

15 Q. So what happened --

16 A. Well, I mean [REDACTED] like, my
17 husband.

18 Q. Other than your husband and Jill,
19 Joe, and [REDACTED] did you talk to anyone else
20 about taking the role of chief of staff?

21 A. I don't have any specific
22 recollections, but I'm sure I talked to my
23 sister. I'm sure I talked to my best friend
24 [REDACTED] you know, like, people like that.

25 Q. Anyone else in the

July 05, 2021

1 administration?

2 A. No.

3 Q. Did you talk to Stephanie Benton

4 about it?

5 A. No.

6 Q. Josh Vlasto?

7 A. He wasn't in the administration

8 at that point.

9 Q. Did you talk to Josh Vlasto about

10 it?

11 A. No.

12 Q. Rich Bamberger?

13 A. No.

14 Q. Steve Cohen?

15 A. No.

16 Q. Larry Schwartz?

17 A. No.

18 Q. So after you have those

19 conversations, you take the role. Is that

20 right? Did you go back to the governor to

21 tell him about the conversations?

22 A. Yes.

23 Q. And what did you say?

24 A. I said, "I had the conversations.

25 Everyone's really supportive. I'm excited.

1 They're excited. If you really feel like it's
2 okay, it's an opportunity I would like."

3 Q. And what did he say?

4 A. He said that's great. It was a
5 moment of transition. [REDACTED], who
6 had been our budget director, was departing.
7 We had just successfully recruited Robert
8 Mujica to come in as budget director. And so
9 we thought we could announce those two changes
10 at the same time.

11 Q. And is that what you did?

12 A. Yes.

13 Q. So what was your official start
14 date as chief of staff?

15 A. I think it was December of 2015
16 or January of 2016, in that range.

17 Q. And as chief of staff, who
18 reported to you?

19 A. So there's the, like, who was
20 supposed to report to me versus the in
21 practice. When I took that job, Jill got
22 elevated to deputy executive secretary, which
23 had been Joe's role.

24 And traditionally, the chief of
25 staff did more of the, like, personnel,

Melissa DeRosa Highly Confidential
July 05, 2021

1 hiring. But Jill had been training to do that
2 under Joe. And so she kept that portfolio.

3 I took legislative affairs,
4 intergovernmental affairs, communications, and
5 policy. And she kept coming from -- you know,
6 she had been the director of scheduling. She
7 took briefings, advance, staffing, personnel.
8 And so we, sort of, split the responsibility.

9 Q. So in your -- in your oversight
10 of legislative affairs, comms,
11 intergovernmental affairs, and policy, were
12 you responsible for hiring and firing of
13 people who served in those roles?

14 A. Yes, I certainly had a role in
15 it. It wasn't -- you know, it depended on
16 what level obviously. I wasn't involved in
17 every hiring and firing.

18 Q. But ultimately, you had say over
19 who got hired and fired into those teams?

20 A. I certainly had input, yes. I
21 mean, there were some times I would not feel
22 like they needed my input. There were some
23 times when I felt like I wanted to have a say.

24 Q. But it was up to you whether you
25 had the say or not had the say?

1 A. Yes. Not solely up to me but up
2 to me. Secretary to the governor is the
3 person that has the ultimate say in those
4 things. So if [REDACTED] wanted to exert himself,
5 and I deferred a lot to Jill.

6 Q. Okay. So secretary to the
7 governor ultimately has responsibility for
8 hirings and firings in the executive chamber?

9 A. Yes.

10 Q. Does that include transfers as
11 well?

12 A. No. I mean, when I say
13 "ultimately has discretion," it's like they
14 are the ultimate boss so they can have the
15 discretion. But the -- like [REDACTED] I
16 can't imagine was involved in any hiring or
17 firing decisions or transfer decisions.

18 Like, it's a role you can, sort
19 of, defer, or you can interject, depending on
20 whether or not you see fit.

21 Q. And in --

22 A. But Joe was primarily the person
23 that did the personnel decisions, and then
24 when he left that became Jill. And then we
25 have an appointment secretary who right now is

1 [REDACTED], who previously was held by a
2 number of people, [REDACTED], others, and
3 they play a role in those decisions as well.

4 Q. So when you were serving as chief
5 of staff, the secretary to the governor had
6 ultimate oversight over hiring and firing.

7 But on a day-to-day basis, that
8 was handled by Jill DesRosiers?

9 A. Correct. And then the state
10 operations director is the person that's
11 chiefly responsible for the agencies. And so,
12 you know, if we were hiring a dep sec or if
13 you're hiring a commissioner, generally
14 speaking, you defer to those people, to the
15 state operations director.

16 It was Howard Glaser, [REDACTED]
17 [REDACTED] now it's [REDACTED]. Because
18 those are the people that they manage.
19 They'll oftentimes ask for your input or sit
20 for an interview, tell me what you think, but
21 you defer to their judgment.

22 Q. So then you become secretary to
23 the governor. How did that happen?

24 A. [REDACTED] had told the governor
25 he would serve for two years. His two years

1 were coming to an end. And, sort of, as I
2 imagine how it is in other organizations, you
3 find your replacement.

4 So [REDACTED] came to me and said,
5 "You're the obvious choice. You should take
6 over as secretary. I want to recommend to the
7 governor that you become secretary."

8 Q. Anything more said in that
9 conversation?

10 A. I told him I didn't want the job.

11 Q. Why not?

12 A. Because every time that I have
13 moved up in my professional career, there is a
14 focus on my father. And it's attention I
15 don't like. And I knew that going from chief
16 of staff to secretary, because it's such a big
17 job, because my father is who he is, that it
18 would all become about him.

19 Q. You said in the past that the
20 focus had been, when you had been promoted, on
21 your father. Can you give us some examples of
22 that?

23 A. When I was named acting chief of
24 staff in the attorney general's office, the
25 New York Times did a write-up, and they

1 described me in two sentences. The second
2 sentence was, "She's the daughter of powerful
3 Albany lobbyist [REDACTED]."

4 Whenever people wrote articles
5 about anything that I was doing, they would
6 always tack on a line -- sorry, I, like, get
7 emotional about it -- tack on a line about,
8 like, who my father was and --

9 Q. Do you want to take a break?

10 MR. HECKER: Do you want take two
11 minutes?

12 THE WITNESS: No, it's okay. I'm
13 okay.

14 A. So anyways, it was just -- it was
15 unwanted attention.

16 Q. And when you told Mr. -- are you
17 sure you don't want to take a break? When you
18 told [REDACTED] that you did not want to take
19 the position because the focus would be on
20 your father, what did he say to you?

21 A. He said that in life, if you were
22 going to advance, you had to be prepared to
23 take hits and keep going, and that if you
24 showed people who you are, that's all that
25 would ultimately matter.

1 And so, like, he wanted to push
2 me to do it. I'm okay. I'm okay. I'll get
3 it together. Give me just one second.

4 Q. Did you talk to anyone else about
5 taking the position or not taking the
6 position?

7 A. Yeah. [REDACTED] my husband.

8 Q. Other than [REDACTED] did you talk to
9 anyone else about it?

10 A. My father.

11 Q. Okay. And tell us about the
12 conversation with your father.

13 A. He thought I was crazy not to do
14 it. He was like, "You would be the first
15 woman secretary. You've earned it. You're
16 smarter than everyone. You wake up earlier.
17 You run faster. You jump higher. Like, you
18 should -- you would be crazy. This is, like,
19 one of those things you get in life and, you
20 know, you always have that."

21 Q. Did that change your mind?

22 A. It was encouraging but I still
23 wasn't completely sold. And then I had a
24 conversation with the governor and [REDACTED]
25 together where they, sort of, tag-teamed me,

1 and they were like, "You're going to do this,
2 and you're going to be great."

3 Q. Tell us about the conversation
4 that you had with [REDACTED] and the governor.

5 A. They were saying that I was the
6 only -- they were like, "You aren't, like, an
7 option, you are the option. Like, you already
8 in a lot of ways play the role internally.
9 People respect you. When you speak, everybody
10 listens.

11 "Like, you're so assertive. You
12 have good judgment. You look around and you
13 can see where the policy is going. You know
14 how to move legislators. You know how to deal
15 with press. Like, this is what you should be
16 doing.

17 "And then you do this, and for
18 the rest of your life, you've done this. And
19 you don't have to do it forever, but it's
20 something that you really can't pass up."

21 Q. "Did you raise to -- in front of
22 the governor the concern about your father and
23 the focus on your father if you took the role?

24 A. He and I have had many
25 conversations about that over the years.

July 05, 2021

1 Q. And tell us about --

2 A. It's not all that dissimilar to
3 his situation with his father. So he's
4 another, you know, voice who always says to
5 me, like, you can't spend all of your time
6 worrying about how people are going to judge
7 you vis-à-vis your dad.

8 Q. Anything else you remember the
9 governor saying during that conversation?

10 A. No. They were just very
11 supportive.

12 Q. Other than being concerned about
13 the focus being on your father if you took the
14 role, did you raise any other concerns about
15 taking the position?

16 A. Well, I mean, for half a second,
17 I was like, I already work so much. I'm going
18 to have to work so much more. But that was,
19 sort of, like, a joke because there was no way
20 to work more than I already was working. It
21 was just going to be a little bit different.

22 Q. Did you say that, though?

23 A. Yeah.

24 Q. Okay. What did they say in
25 response?

1 A. You're young. This is when
2 you're supposed to work. You know, public
3 service has a shelf life at a certain point.
4 You go into the private sector and make lots
5 of money, and you go on vacations and you read
6 a book, but that's not what you're supposed to
7 do at this point in your life.

8 Q. I can't tell whether you're
9 telling this is what the governor and
10 ██████████ said to you or this is what you're
11 saying about your view. So --

12 A. No, this is what they were saying
13 to me.

14 Q. Okay. All right. So how does
15 the conversation with ██████████ and the
16 governor end?

17 A. I said, "Okay. I will do it."

18 And ██████████, you know,
19 celebrated because he got to go back to
20 Blackstone and get on a plane to Bermuda.

21 Q. Did you negotiate salary at that
22 point?

23 A. No. Actually, ██████████ said to me,
24 "You're going to be getting the salary that I
25 have."

1 Q. And what was the salary that [REDACTED]
2 got?

3 A. I don't remember. It might -- it
4 was like [REDACTED], [REDACTED], but it wasn't a discussion.
5 [REDACTED] was like, "You will get the salary that I
6 have."

7 Q. You didn't ask for more than he
8 got?

9 A. No.

10 Q. Did you remember talking to
11 anybody else about -- other than people that
12 we've talked about about taking the role of
13 secretary to the governor?

14 A. No. I mean, frankly, it was a
15 small circle, because I didn't want it to
16 leak. So ...

17 Q. How long between the first ask
18 and you saying okay?

19 A. A couple of weeks. It started,
20 like, in the middle of March, probably. And I
21 think I accepted the middle of April, and we
22 announced it the end of April.

23 Q. And what changed going from chief
24 of staff to being secretary to the governor?

25 A. There was a lot more focus on the

July 05, 2021

1 agencies, which I didn't really love out of
2 the gate, in terms of, you know, all of a
3 sudden I'm thrust into negotiating the capital
4 plan for the MTA and dealing with New Jersey
5 on Port Authority matters, you know, dealing
6 with DEC and DOH when Hoosick Falls happened.

7 It just -- it became a lot less
8 about the day-to-day on the governor's
9 movements and the events and the comms and the
10 politics and a broader shift to the actual
11 running of government.

12 Q. Did you still have legislative
13 affairs, intergovernment affairs, policy, and
14 comms reporting to you?

15 A. No. Those went under Jill.

16 Q. Okay.

17 A. We -- well -- oh, I'm sorry. I
18 think first Linda got that title, and then we
19 named Jill chief of staff when Linda went to
20 DFS. So for a short period of time, Linda
21 became chief of staff.

22 And I actually think when Linda
23 became chief of staff, we sort of redid the
24 roles, and we shifted those over to Jill as
25 deputy executive secretary.

Melissa DeRosa Highly Confidential
July 05, 2021

1 And then a short time after that,
2 Linda became head of DFS, and we promoted Jill
3 to chief of staff, which was a very
4 well-deserved promotion.

5 Q. When you say "Linda," you mean
6 Linda Lacewell?

7 A. I'm sorry, Linda Lacewell.

8 Q. And you say "we promoted." When
9 you say "we promoted," who do you mean?

10 A. I mean the organization at large,
11 but I consulted the governor on those moves,
12 of course.

13 Q. And was that in your capacity as
14 secretary to the governor, consulting him on
15 those changes?

16 A. Yes.

17 Q. Okay. So is that part of the
18 role of secretary of the governor?

19 A. Yes. Not always but, I mean, we
20 were talking about the governor's chief of
21 staff, yes.

22 Q. So high-level changes in roles?

23 A. Yes.

24 Q. Okay. So any other aspects of
25 being secretary to the governor that we

July 05, 2021

1 haven't covered?

2 A. No. I mean, it really is just
3 you're responsible for the day-to-day
4 functioning of government. I don't really
5 know how to be more specific than that. It's
6 not really -- you know, it's like being chief
7 of staff to the White House.

8 Q. Maybe we can flesh it out a
9 little bit. Who did you report to?

10 A. The governor.

11 Q. Who reports to you?

12 A. The chief of staff, state
13 operations director, senior advisors, policy
14 director, and the deputy executive secretary.

15 Q. Who doesn't report to you?

16 A. Everybody else.

17 Q. Who does that include?

18 A. So the dep secs, which a dep sec
19 is a deputy secretary. They each have a
20 portfolio. So there's, like, a dep sec for
21 Health and Human Services, and they have
22 Aging, OTDA, DOH. And they all report up to
23 them.

24 So it's like there's 56 agencies.
25 So it's broken up by portfolio. And then

1 those commissioners report up to a dep sec.
2 The dep secs then report to the state
3 operations director, and the state operations
4 director reports to me.

5 And I had comms director, which
6 wasn't necessarily traditional, but --

7 Q. So just hold -- let's pause
8 there. So actually, the dep secs do report to
9 you?

10 A. Well, no. They report to [REDACTED]

11 Q. Through the state operations
12 director?

13 A. Yeah. Yes.

14 Q. Okay. So I'm trying to figure
15 who --

16 MR. HECKER: Do you mean direct
17 reports as opposed to indirect reports?

18 Q. Anyone who doesn't have a chain
19 of reporting that ultimately goes to you.

20 A. Everyone does.

21 Q. Okay.

22 A. Except counsel.

23 Q. Who does counsel report to?

24 A. Directly to the governor and
25 Stephanie Benton, or executive assistant.

1 Q. She reports directly to the
2 governor?

3 A. Yes.

4 Q. Are there any counsel roles that
5 reported to you?

6 A. No. It all flows up through
7 counsel's office. And that's a statutory
8 position.

9 Q. What's the protocol for being in
10 communication with the governor?

11 A. What do you mean?

12 Q. So is there a protocol for
13 communicating with the governor?

14 A. I don't understand the question.

15 Q. Is there a protocol for getting a
16 meeting with the governor?

17 A. You would ask, like, [REDACTED]
18 [REDACTED] who is our current chief of staff.
19 If she wants a meeting with the governor, she
20 will ask Stephanie, she'll ask me, she'll ask
21 the scheduler.

22 You go to one of the people that
23 talk to him the most directly, and you say,
24 "This person's requested a meeting."

25 In a perfect world, it all flows

1 through the scheduler. But that's not how it
2 always happens.

3 Q. Okay. So the other ways that it
4 happens are you can either go through the
5 scheduler, you can go through you --

6 A. You go through the secretary, go
7 through the scheduler, or you go through
8 Stephanie, who's his executive assistant. But
9 ideally, the protocol is you go through the
10 scheduler to avoid mayhem. I'll, like, do
11 one-offs.

12 Q. Say that again?

13 A. I said I'll do, like, one-offs,
14 but it's not -- you can't run an operation
15 like that.

16 Q. What's a one-off?

17 A. The head of the AFL-CIO calls me
18 and says, "I really need to get the governor
19 on this Teamsters bill. Can you get me five
20 minutes?"

21 And I'll go directly to him and
22 say, "[REDACTED] really wants to talk to
23 you. Can you squeeze in five minutes?"

24 And he'll say, "Yeah, tell him
25 I'll call him in an hour."

1 And then I will tell the
2 scheduler and say, "FYI, had this
3 conversation, so at noon he's planning to call

4 [REDACTED]

5 But that's not the way it's
6 supposed to work.

7 Q. Anyone else who can do that?
8 Anyone else who can do a one-off?

9 A. Anybody else can in theory do a
10 one-off and sometimes people do. The way that
11 the governor functions is he's a very flat
12 manager.

13 So if he runs into a deputy
14 counsel in the lobby of 633 and that person
15 raises a subject with him and says, "Governor,
16 I really want to make sure you have this thing
17 on your plate," he'll say, "Great. Let's set
18 up a meeting on that, you know, call Jill."

19 And then I'll get a call from
20 that person's boss and say, "I'm so sorry.
21 This person saw the governor, asked for this
22 thing. It's totally not baked. Like, can we
23 undo this, or can we do a meeting quickly to
24 try to get ready for it?"

25 But he will, you know -- if given

July 05, 2021

1 the opportunity, he'll engage with anyone.

2 But it becomes mayhem if you run an

3 organization like that.

4 Q. But that happens?

5 A. It does.

6 Q. Often?

7 A. Not often but it happens.

8 Q. Regularly?

9 A. Sometimes.

10 Q. What do you mean --

11 A. I wouldn't say regularly. I
12 would say it is the exception, not the rule.
13 But it happens.

14 Q. But "exception," how often?

15 A. I don't know, once a week. Once
16 every couple of weeks.

17 Q. So if you want to get a meeting
18 with the governor, you go -- you can have a
19 one-off -- right? -- you run into the governor
20 and you ask for a meeting or raise a topic
21 he's interested in.

22 You could talk to Stephanie
23 Benton. You could talk to you. You could
24 talk to the scheduler. Any other way to get a
25 meeting with the governor?

1 A. Those are the ways. But again,
2 like, if someone went to [REDACTED] who is our
3 chief of staff, and said, "I really need ten
4 minutes," [REDACTED] could, because she speaks to
5 him all the time, raise it with him directly.

6 We just as a team try to keep
7 each other informed or do it in a uniform way
8 to avoid craziness.

9 Q. So we just added the chief of
10 staff as someone who can -- you can go to to
11 get a meeting with the governor. Anyone else?

12 A. I mean, when you say "can," like,
13 again, like, any senior staff person, if [REDACTED]
14 [REDACTED] were to see the governor, she could
15 say, you know, "We really need to do a meeting
16 with DOT."

17 She doesn't traditionally. And
18 if she did, she would tell us beforehand or
19 flag it right afterwards. It's not the usual
20 way. But there are people that have access to
21 the governor. Robert Mujica chiefly, Beth
22 Garvey.

23 Q. So in the normal course of
24 events, if someone on the senior staff said
25 they wanted a meeting with the governor, said,

1 "We should talk about X with the governor,"
2 they should inform the scheduler afterward?

3 A. Yes. We do staff meetings every
4 day at 9 a.m., and traditionally on those
5 calls is a time where [REDACTED] who runs the call
6 right now, or I used to do it when I was chief
7 of staff, Jill did it when she was chief of
8 staff, will say, "Does anyone have anything
9 that they need to raise with the governor?"

10 And that's supposed to be the
11 opportunity when people say, "I really need to
12 get a meeting with him on X, Y, or Z," or "I
13 saw this person at an event, and they really
14 want to talk to him. You know, I'll delegate
15 it down, but I think he should know that that
16 person wanted to reach out."

17 And then the scheduler is
18 responsible for going to him and saying,
19 "These five people want to meet with you."
20 And that's generally done, you know, on that
21 call. We'll say, "No, no, no, that person
22 doesn't need that meeting. Melissa will call
23 them back, or Robert will call them back."

24 But we'll all, sort of, agree as
25 a group which things actually need to be

July 05, 2021

1 raised to him so you keep the knucklehead
2 stuff off his desk. And then it will go to
3 him through the scheduler or through the chief
4 of staff.

5 Q. What are the roles that attend
6 the everyday 9 a.m. staff meeting?

7 A. It's a senior staff meeting. So
8 it's comms director, it's legislative affairs
9 director, it's policy director, it's state
10 operations director, it's counsel, it's budget
11 director.

12 I join when I can, which is, sort
13 of, how it's always been with the secretary.
14 Secretaries, like, join when they can. So not
15 every single day.

16 Q. Anyone else attend those
17 meetings?

18 A. The scheduler. Stephanie tries
19 to join when she can.

20 Q. Anyone else?

21 A. I may be missing somebody, but
22 not that comes to top of mind. Press
23 secretary.

24 Q. So we just, kind of, talked about
25 the way in which you get a meeting with the

July 05, 2021

1 governor. What's the protocol for staffing
2 the governor?

3 A. The -- it's sort of changed over
4 time. But generally speaking, it was always
5 Jill. I mean, whether she was scheduler,
6 whether she was chief of staff, whether she
7 was first deputy secretary, it was
8 primarily -- or whether she was -- I'm
9 sorry -- executive deputy secretary.

10 She was chiefly responsible
11 for -- I mean, we have a saying. It's like,
12 in our office, you change jobs but it's like
13 you take your responsibilities with you, and
14 then you just get more responsibilities.

15 That had always, sort of, been
16 Jill's role since she was scheduler when I
17 first got there in 2013, and that was never
18 really a role that she shook. So, you know,
19 we do staffing plan for any event.

20 If we do a meeting, you ask the
21 governor who he wants in the meeting, or you
22 ask the meeting lead who would be the
23 appropriate people to be in that meeting, and
24 then you run it by the governor to make sure
25 he's comfortable with that.

1 But it was really Jill who always
2 did it, and now it's [REDACTED] who has taken over
3 for Jill since [REDACTED].

4 Q. Maybe we should step back and
5 define staffing the governor. So when you say
6 "staffing the governor," what do you mean?

7 A. I mean for any event that you do,
8 there's a staffing plan. So who's the advance
9 person? Who's the press lead? Who's the
10 lights person? Who's the sound person?

11 Who's the body person? Who's the
12 person on the ground who gives him the
13 acknowledgement card? There's a full staffing
14 plan.

15 In terms of staffing him, like,
16 in the capitol, it's traditionally Stephanie,
17 and then she has a couple of assistants who
18 sit outside of her desk in Albany and one
19 person who sits outside of her desk in New
20 York. And it's generally Stephanie and then
21 with the support of whoever those people are.

22 Q. And if the governor needs
23 coverage or staffing outside of -- from the,
24 sort of, executive assistant perspective,
25 outside of normal working hours, recognizing

1 that maybe there aren't normal working hours,
2 how does that happen?

3 A. So there's always, like, an
4 on-call list. I've never been directly
5 involved in how it happens. But from what I
6 understand, they will ask, you know, EA #2
7 EA #3 the briefers, anyone who is generally
8 around who's available this weekend or who's
9 available after seven, in case you need
10 somebody to either jump on the phone with him
11 and take dictation or go staff him while he's
12 writing his speech.

13 And so they, sort of, self-select
14 into who's available. I know some people
15 prefer to do it because they have overtime and
16 it's more money. And then some people are
17 just happy to do it because they live around
18 the corner.

19 You know, they are all friends
20 with each other, and so I think that they try
21 to coordinate with one another to be
22 respectful of each other's personal time.

23 Q. How did you come to this
24 understanding?

25 A. Just osmosis.

1 Q. And when you said "EA #2" do
2 you mean EA #2 ?

3 A. Yes.

4 Q. And when you said "EA #3" you
5 mean EA #3 ?

6 A. Yes.

7 Q. Do you have any role in staffing
8 the governor?

9 A. No.

10 Q. Have you ever had input into who
11 was going to staff the governor?

12 A. No. Except if he's doing, like,
13 a PowerPoint. The governor has a way, a
14 tendency of, in my opinion, caring about
15 things he shouldn't care about. Like, [REDACTED] is
16 available. That kid works every weekend.
17 Don't make him work this weekend.

18 Which I say, "But [REDACTED] is the
19 person who is best at PowerPoint. So with all
20 due respect, I'm going to overrule you because
21 it will make my life and everyone else's life
22 easier if he is the person working with you."

23 So if there's a situation like
24 that, I may potentially intervene. But
25 otherwise, no.

1 Q. So sometimes the governor has
2 input into who is going to staff him?

3 A. Yeah. He'll say, "Who can jump
4 on the phone?" I think that there are some
5 people he's more comfortable with than others
6 based on their skill level, based on their
7 past performance. If somebody doesn't do a
8 great job once or twice, he doesn't -- he's
9 not going to ask them back.

10 And then, you know, he's also,
11 like, very wary. It's the same thing with the
12 mansion staff. "Oh, I hate to have them
13 working this weekend. Let them go home at
14 three."

15 "It's their job."

16 "No, but they have families."

17 He tries to be sensitive to other
18 people's schedules and personal lives. And so
19 if Stephanie says or [REDACTED] says or Jill says
20 "So-and-so is available this weekend," he'll
21 say, "EA #2 and EA #3 work all the time.
22 Don't -- find somebody else. Give them the
23 day."

24 Q. How many times has that happened?

25 A. It happens. I wouldn't say it's,

July 05, 2021

1 like, an every-week occurrence but it
2 certainly happens.

3 Q. How do you know about it if
4 you're not involved in staffing?

5 A. I'm cc'ed on pins with the draft
6 in confidential that go out every night, and
7 so generally those conversations that happen
8 on those pins.

9 Q. We haven't covered this but
10 what's a pin?

11 A. A pin is a direct message from
12 BlackBerry to BlackBerry.

13 Q. Have you had a BlackBerry your
14 entire time as secretary to the governor?

15 A. I've had a BlackBerry my entire
16 time in government, when I worked for Eric and
17 the entire time I've worked for the governor.

18 Q. Did there come a point in time
19 where some people in the chamber switched from
20 BlackBerrys to iPhones?

21 A. Yes.

22 Q. And you kept your BlackBerry. Is
23 that right?

24 A. Yes.

25 Q. Who else kept their BlackBerrys?

July 05, 2021

1 A. Anyone who communicates with the
2 governor.

3 Q. And why is that?

4 A. So we were changing over from
5 BlackBerry to iPhone because allegedly,
6 although I just think Harold makes it up, the
7 BlackBerry server was going to come down. So
8 it was no longer going to be an option.

9 So they started to transition the
10 chamber and the agencies from BlackBerrys to
11 iPhones in anticipation of that change
12 happening. The governor is very
13 technologically inept.

14 The thought of having to train
15 him on a new device was something that all of
16 us were very apprehensive about. So we said
17 to Harold, "When is the drop-dead that the
18 governor has to change over? And leave us,
19 like those of us who communicate with him on a
20 regular basis with BlackBerrys, and then when
21 he actually has to change over, we'll all
22 change over."

23 So they issued us the iPhones.
24 It's what I mentioned to you earlier. But
25 I've never turned it on. So me, Robert

1 Mujica, Beth Garvey, Rich Azzopardi, Peter
2 Ajemian before he left, Stephanie, the
3 scheduler, [REDACTED] there's a handful of senior
4 staff that kept their Blackberrys with the
5 anticipation of when the governor switched
6 over to the iPhone, that's when we would all
7 switch over to the iPhone.

8 But Howard was bluffing and the
9 iPhone server was not going down. And so we
10 still have them. Although as recently as a
11 month ago, he tells me "For real this time
12 it's happening soon."

13 Q. You say Harold was bluffing, and
14 then I think earlier you -- so you didn't
15 trust Harold's advice on this point?

16 A. I mean, I love Harold, of course
17 I do. But he kept saying that the BlackBerry
18 was going to stop working one day, that one
19 day we would turn on our BlackBerrys and they
20 wouldn't work.

21 And I was like, "Okay, Harold.
22 Well, when that day comes will be the day that
23 we move over to the iPhone."

24 Q. Other than the governor being
25 technologically inept, is there any other

July 05, 2021

1 reasons that he and the team -- the senior
2 staff kept their BlackBerrys?

3 A. No.

4 Q. Why does this governor use pin
5 messages?

6 A. It's a secure way to communicate.

7 Q. And by "secure," what do you
8 understand that to mean?

9 A. It doesn't go across servers.

10 Q. And what's the advantage of it
11 not going across servers?

12 A. Well, we have had several hacks
13 at my time being secretary to the governor.
14 Just before COVID, for example, an agent of
15 the Iranian government actually hacked into
16 the New York State server. Our technology is
17 terrible.

18 Harold has been trying his best
19 to transition all of us over, but it's very
20 vulnerable. And we communicate on highly
21 sensitive topics routinely.

22 And what Harold had told us
23 always was that the pin to pin was the most
24 secure way to communicate. So if God forbid
25 there was a hack, it wasn't something we had

July 05, 2021

1 to worry about.

2 Q. So how do you tell staff that
3 they should communicate confidential
4 information on pin? How does everyone know
5 that?

6 A. It's not confidential
7 communication. It's like, instead of texting,
8 you pin. If -- there's a document retention
9 policy that the state dictates on certain
10 documents that have to be retained. It's
11 mostly official memos.

12 But beyond that, there's no
13 requirement to save anything, and so it
14 doesn't matter. Unless you're under
15 litigation hold or you're involved in a
16 lawsuit.

17 Q. Sorry, maybe I didn't make myself
18 clear. So you were saying that the reason
19 that you wanted to use pin messages or the
20 executive chamber uses pin messages is because
21 they're more secure and to prevent
22 confidential information from being hacked?

23 A. And just generally sensitive
24 information. You're communicating with the
25 governor. You're communicating with the

July 05, 2021

1 budget director.

2 Q. Right. And so how did staff
3 understand what they should and should not
4 communicate over pins versus what they should
5 communicate over e-mail?

6 A. Well, people that were
7 communicating with the governor primarily
8 communicated over pin. I, if I was
9 communicating with Jill or Rich or Peter or
10 Stephanie, would maybe send a pin. A pin has
11 a different noise and a pin stands out.

12 I get inundated with thousands of
13 e-mails every single day. And so the pins
14 were sort of easier to flag. And when they
15 came in, it was more like, this is an internal
16 communication you need to respond quickly.

17 Q. Okay. So now I understand. You
18 guys are using pin messages both because
19 they're more secure and because the noise is
20 more obvious. Is that right?

21 A. It's not just that. But it's
22 like, for me, for my organizational stuff.
23 Like, when I see my e-mail, I'll see 2,000
24 e-mails. And I may not scroll through them.

25 If I see a pin, I'll look at it

July 05, 2021

1 immediately because I know it's Jill or Peter
2 or Stephanie or the governor or somebody
3 communicating, and it's something I should get
4 back to.

5 Q. Right. Circling back, though, so
6 what I was asking about is you explained to
7 that you're using pin messages because you're
8 concerned that other modes of communication
9 were not as secure. Correct?

10 A. No. I said it is a secure mode
11 of communication.

12 Q. Okay. But then you gave me an
13 example about the New York State server being
14 hacked. Right?

15 A. Right. I understand you guys
16 don't like pins.

17 Q. I didn't say I liked pins or
18 didn't like pins. What I'm trying to
19 understand is, when you're using pins because
20 they're more secure, what is the executive
21 chamber communicating about the use of other
22 communications devices?

23 A. Well, there's a lot of people
24 that don't have BlackBerrys, and so you just
25 use e-mails. Some people use text message.

July 05, 2021

1 You're not supposed to use your personal
2 e-mail in order to communicate about
3 government-related matters. So that's
4 supposed to stay on your executive e-mail.

5 Q. Okay. And so when people are
6 using e-mails, are you giving them
7 instructions about being sensitive around the
8 kind of information they communicate over
9 e-mail?

10 A. I'm not giving anyone instruction
11 over what they're communicating over e-mail.

12 Q. Is there any guidance given to
13 anyone in the executive chamber about using
14 e-mail and --

15 A. When you first --

16 Q. -- sorry -- and being sensitive
17 to issues around confidentiality?

18 A. When you first come into the
19 chamber, you have a -- what is it
20 called? -- you go through an orientation where
21 you do a training. And then every year, I
22 believe that there's a training that you get
23 on ITS matters.

24 But people are responsible to
25 understand the document retention policy and

Melissa DeRosa Highly Confidential
July 05, 2021

1 what memos or specific things have to be saved
2 and archived, and otherwise you're, sort of,
3 free to do whatever you want.

4 Q. Okay. You're free to do whatever
5 you want. So you're explaining to me that the
6 concern is that -- you have the concern that
7 if you don't use your BlackBerry, it's not as
8 secure. So what is --

9 A. I understand that using the
10 BlackBerry --

11 Q. Can I finish the question?

12 A. Well, because I think you're
13 mischaracterizing what I said.

14 Q. Let me just finish the question.
15 Okay?

16 A. Yup.

17 Q. Let me just finish the question.

18 MR. HECKER: And when you finish
19 this question, can we just take five?
20 We've been going, like, an hour and 15.

21 MS. KENNEDY PARK: Yeah, sure.

22 Q. So you said that you're using the
23 Blackberry because it's more secure. So I'm
24 asking: Did anyone in the executive chamber
25 do anything to communicate to executive

July 05, 2021

1 chamber staff how to use less secure forms of
2 communication to protect sensitive
3 information?

4 A. I don't understand the question.

5 Q. Okay. So you told me that you
6 were using the BlackBerrys in order -- because
7 they were more secure. Right?

8 A. Mm-hmm.

9 Q. And you were concerned that
10 information that wasn't on the BlackBerry
11 could be hacked, for example. Right?

12 A. Mm-hmm.

13 Q. Right. So what did the executive
14 chamber do to communicate to people about
15 using communications devices other than
16 BlackBerry pin to keep them secure?

17 A. I don't think anything.

18 Q. Okay. And did anyone in the
19 executive chamber, for example, tell anybody
20 there's certain topics you shouldn't
21 communicate over e-mail about because they
22 could be hacked?

23 A. I know that the health -- like,
24 certain agencies have concerns about certain
25 sensitive information with identifying numbers

July 05, 2021

1 for, like, DOH, for example.

2 I know the tax department has
3 certain restrictions over what they'll send
4 over e-mail and not send over e-mail. But
5 it's traditionally something that's involved
6 in someone's personal identifying information
7 which, if were to get out into the public,
8 could be very damaging.

9 Q. Okay. Did anyone in the
10 executive chamber explain to anybody what
11 topics they should communicate about using
12 pins and what topics they --

13 A. No.

14 Q. -- and what topics they could
15 communicate using other communications
16 methods?

17 A. No. It's just the standard. If
18 you're talking about government things, it
19 should be on your government device. It
20 should be through pin. It should be through
21 your executive e-mail.

22 And then to the extent that you
23 were texting about it, you had to be prepared
24 to have to turn that over, like, all of your
25 texts over, because our executive BlackBerrys

July 05, 2021

1 don't have text message. The function is
2 disabled. So there is no ability to text on
3 that.

4 So inevitably, I mean, you could
5 choose not to. But a lot of people text on
6 their iPhone, but you're told that if you do
7 that, you have to be prepared that, should
8 there be a foil or should there be a
9 litigation, that you have to turn your iPhone
10 over.

11 Q. Did you ever give any
12 instructions to anyone on topics that they
13 should not use e-mail communications to
14 communicate about?

15 A. Not that I can recall
16 specifically.

17 Q. Did you ever give anybody
18 instructions that they had to use BlackBerry
19 pin messages to communicate about certain
20 topics?

21 A. No.

22 MS. KENNEDY PARK: We can take a
23 break.

24 MR. HECKER: Thanks.

25 THE VIDEOGRAPHER: The time is

Melissa DeRosa Highly Confidential
July 05, 2021

1 10:18 a.m. This concludes Media 1. Off
2 the record.

3 (Recess taken from 10:18 a.m. to
4 10:31 a.m.)

5 THE VIDEOGRAPHER: The time now
6 is 10:31 a.m. This begins Media 2. On
7 the record.

8 BY MS. KENNEDY PARK:

9 Q. Ms. DeRosa, before the break, we
10 were talking about your role and what you did
11 and did not have oversight of.

12 What was your role as secretary
13 to the governor with the PSU?

14 A. The PSU primarily works with the
15 scheduler and Stephanie. It's largely a
16 coordinating function, where he's going, when
17 he's going, we need the helicopter, you know,
18 we should have a driver on standby.

19 And I talked to -- you know, when
20 Vinny Straface was the head of the PSU while I
21 was secretary, I would chat with him regularly
22 when I saw him. I don't have any, like,
23 oversight function of the PSU. But I would
24 see them obviously constantly.

25 Q. Okay. As secretary to the

Melissa DeRosa Highly Confidential
July 05, 2021

1 governor, did you have any role in any of the
2 hiring decisions for the PSU?

3 A. I don't think hiring decisions.
4 I think sometimes they will run things by me
5 and say, you know, we're going to do this, and
6 I will say okay. But I'm not making decisions
7 about the PSU.

8 Q. What kinds of things would they
9 run by you?

10 A. There was a period where there
11 was a lot of transition on the PSU. There
12 were a bunch of members who wanted to go do
13 investigative work. And so they were
14 relocating them.

15 And Vinny would say, you know,
16 "For this position, I've got this person.
17 They've staffed a bunch of events before. If
18 you saw them you'd know them." You know, just
19 talking through what the changes were.

20 Q. And --

21 A. But I don't know any of them,
22 like, individually enough to ever really weigh
23 in in a meaningful way.

24 Q. Was there any issue with PSU that
25 you ever weighed in on in a meaningful way?

1 A. I don't think so.

2 Q. Any transfer decisions you ever
3 weighed in on?

4 A. I don't think so.

5 Q. Any firing decisions you ever
6 weighed in on?

7 A. I don't think so. [REDACTED] was
8 head of the PSU for a period of time. And
9 I -- when he said he was going to quit, I
10 tried to convince him to stay longer because I
11 was concerned that there wasn't enough
12 transition time to get somebody properly
13 trained up. So I had a one-on-one
14 conversation with him. But otherwise, nothing
15 that comes to front of mind.

16 Q. Any policy decisions you ever
17 weighed in on?

18 A. I don't think so except when
19 COVID happened of having the governor drive
20 himself and how they would leave the cars and
21 sanitize the cars before he got in.

22 Q. And tell us about what is the
23 change with the governor driving himself?

24 A. The governor used to be driven by
25 a PSU member, and it would be a PSU member and

July 05, 2021

1 another member of the detail in the car, and
2 the governor would sit in the front seat.

3 When COVID happened, obviously we
4 were trying to limit the governor's exposure
5 to anyone. And so the governor started
6 driving himself, and I talked to Vinny about,
7 you know, when a trooper would drive a car to
8 someplace where the governor would then get
9 it, that they would wipe down the steering
10 wheel and wipe down anything that anyone could
11 have potentially touched, because early on it
12 was, like, we were especially unclear on the
13 transmissibility of the virus.

14 Q. Did Mr. Straface object to the
15 governor driving himself?

16 A. Straface, no.

17 Q. Was there any debate about the
18 governor driving himself?

19 A. Not that I recall.

20 Q. Did you have any input in any
21 policies regarding how long someone had to be
22 in service before they could join the PSU?

23 A. No.

24 Q. Are you aware of any changes that
25 were made to the policy regarding how long

July 05, 2021

1 someone had to be in service before they could
2 join the PSU?

3 A. Only because of a press inquiry.

4 Q. Okay. And what was that press
5 inquiry?

6 A. There was a Times Union press
7 inquiry back in December, and they raised
8 exactly that point, which I was unfamiliar
9 with. And I believe the answer was that there
10 had been a change that was made in a prior
11 administration.

12 Q. And what was the change that had
13 been made?

14 A. I think it shortened the length
15 of time that somebody needed to be a member of
16 the state police before they could be
17 considered for the protective unit.

18 Q. And when you say "prior
19 administration," what do you mean?

20 A. Like the Paterson administration
21 or the Spitzer administration.

22 Q. And how did you come to
23 understand that the prior administration had
24 shortened the time that you had to be in
25 service before joining the PSU?

1 A. Because in the context of that
2 press inquiry, I asked [REDACTED] and Vinny
3 Straface.

4 Q. And what did [REDACTED] tell
5 you?

6 A. I don't remember if it was [REDACTED]
7 or Vinny who told me, but they said yes, there
8 had been a policy change years prior on the
9 length of time that someone had to serve in
10 order to be considered for the PSU.

11 Q. Did they tell you what year that
12 change was made?

13 A. I'm sure they did at the time,
14 but I don't recall off the top of my head.

15 Q. Did they tell you why that change
16 was made?

17 A. No.

18 Q. Did you ask them?

19 A. No.

20 Q. What information was conveyed
21 back to the Times Union reporter?

22 A. The Times Union reporter was
23 calling about a particular detail member, this
24 woman, Trooper #1. And they had had a source
25 that said that the governor saw her on a

July 05, 2021

1 bridge and then said, "Hire her."

2 So I called Vinny and said, "What
3 happened here? We have to get back to this
4 reporter."

5 Q. And what did Vinny tell you?

6 A. Vinny said that's not what
7 happened at all. There was an event. I don't
8 remember if it was, like, an RFK event or a
9 Kosciusko Bridge event. It was some event in
10 the city.

11 It wasn't, like, that they
12 saw -- like, the way that the Times Union
13 reporter portrayed it was, like, you saw
14 someone at a traffic stop, and you were, like,
15 hey, like, you know, chicky, get in the car,
16 kind of thing.

17 It was like -- no. It was an
18 event that there was in the city. She was a
19 lead trooper on the ground. I think she was
20 member of Troop NYC, which is the state police
21 troop in the city, and that she had been on
22 the ground doing the event.

23 She had done the advance work,
24 and she had done the event work that day, and
25 that she was really talented and direct and

1 spoke assertively and had, like, a great
2 presence about her in terms of, like, being
3 able to understand where the governor was
4 going to move and how the troopers needed to
5 move in response to that, and that she was
6 very good and that Vinny said at the time, "We
7 should hire her."

8 Q. So Vinny told you it was his
9 decision to hire her?

10 A. Yes.

11 Q. And he was the one who
12 recommended her to get hired?

13 A. Yes.

14 Q. And what was her name?

15 A. **Trooper #1** I don't know her last
16 name. I believe she's still on the detail.

17 Q. Still on the governor's detail?

18 A. Yeah.

19 Q. And what year was this?

20 A. I think -- and, like, thus the
21 recollection, and again, this is, like, in the
22 context of getting information for a press
23 inquiry, so this isn't from my original
24 memory, I think it was 2018.

25 And I think Vinny said that at

1 the time, he had said to me that he wanted to
2 do this. And I said, "Great. More women on
3 the detail. There's, you know, absolutely no
4 diversity or gender balance on the detail. So
5 if you think this person is great, great."

6 Q. So after the Times Union reporter
7 called in December of 2020, Mr. Straface told
8 you that he had consulted you about her
9 hiring?

10 A. Yes. He said, "I told you about
11 it at the time, and you thought it was great
12 to increase the gender balance."

13 Q. And what was the connection
14 between Trooper #1 and this policy change
15 I was asking about?

16 A. I don't think there was any
17 connection. The Times Union believed that
18 there had been a change made for that purpose,
19 and it became pretty clear that they had a
20 source who was feeding them bad information.
21 And once they understood that, they didn't run
22 the story.

23 Q. Anything else Mr. Straface told
24 you about Trooper #1?

25 A. No.

1 Q. Did he tell you how many years
2 she had been in service prior to joining the
3 PSU?

4 A. No. And I didn't ask. I got the
5 information that was relevant to respond to a
6 press inquiry and didn't have any further
7 discussion about it.

8 Q. It wasn't relevant how long she
9 had been on PSU, when one of the questions
10 being asked was whether there was a change in
11 policy --

12 A. She met the criteria --

13 MS. KENNEDY PARK: Can you just
14 wait until I finish --

15 THE WITNESS: Sorry.

16 MS. KENNEDY PARK: -- because
17 she's going to go crazy if we don't do
18 that.

19 Q. -- so whether there had been a
20 change in policies shortening the time someone
21 had to be in service before joining PSU?

22 A. It wasn't relevant because the
23 change in policy had occurred in a prior
24 administration. So the way that the source
25 had been conveying it to the Times Union was

1 to appear nefarious, as if there had been a
2 policy exception made for this one person,
3 when in reality that change had been made
4 years prior.

5 Q. Anything else you remember about
6 the conversation with -- I'm going to call him
7 Vinny for ease of this discussion -- Vinny?

8 A. No.

9 Q. You said [REDACTED]. You spoke
10 to him as well. What did you speak to [REDACTED]
11 about?

12 A. I don't recall. I just
13 remember -- like, any time there's -- we have
14 incoming about the state police, I make sure
15 that the head of the state police is aware.

16 But I don't think that -- [REDACTED]
17 just became the head of the state police. And
18 so I don't think he had any specific
19 information about it. I think it was -- Vinny
20 had the information.

21 Q. Why were you handling this press
22 inquiry?

23 A. Rich Azzopardi came into my
24 office and said, "The Times Union just called
25 about this issue," and it made me really mad.

July 05, 2021

1 Q. And why did it make you mad?

2 A. Because I thought it was sexist.

3 Q. Why did you think it was sexist?

4 A. Because the perception I had was
5 that some trooper went to the Times Union and
6 tried to say that this woman only had her
7 position because she was attractive. And so I
8 said, "Let's get Vinny on the phone and get
9 the facts," and Vinny gave me the facts. And
10 when I learned the facts, I got even more
11 angry.

12 Q. Did you convey that to the Times
13 Union?

14 A. I did.

15 Q. What did you tell them?

16 A. I said, "You don't have your
17 facts straight. This woman, from everything I
18 hear, is strong, smart, incredibly qualified,
19 and does a phenomenal job. And you guys are
20 trying to reduce her hiring to being about her
21 looks. And that's what men do.

22 "If there is an attractive woman
23 seemingly near any male-dominated field, you
24 assume it has something to do with either
25 their attractive level or who they are

1 sleeping with."

2 Q. That's what you said to the Times
3 Union?

4 A. Yes.

5 Q. And what did they say?

6 A. Casey Seiler actually agreed and
7 said he wasn't going to run the story, that
8 clearly they had a bad source.

9 Q. Did you look for any documents
10 related to the policy around how long someone
11 had to be in service before joining the PSU?

12 A. No.

13 Q. After that phone call with the
14 Times Union, have you had any other
15 conversations about that policy?

16 A. No.

17 Q. Had you looked at any documents
18 about that policy?

19 A. No.

20 Q. After that call from the Times
21 Union, have you had any conversations with
22 anyone else about a trooper named Trooper #1?

23 A. No. Only with counsel.

24 MR. HECKER: No, she's not asking
25 about that.

1 Q. Other than conversations with
2 counsel, have you had any conversations with
3 anyone about a trooper named Trooper #1?

4 A. No.

5 MR. KIM: Can I ask a question?

6 MS. KENNEDY PARK: Yes.

7 MR. KIM: Have you talked to the
8 governor about the inquiry?

9 THE WITNESS: About the press
10 inquiry?

11 MR. KIM: Yeah.

12 THE WITNESS: I notified him
13 after it was dealt with.

14 MR. KIM: After you -- they
15 reported back?

16 THE WITNESS: After Casey told me
17 that he wasn't going to run the story, I
18 told the governor what -- he said to me,
19 "What's going on? I hear you getting
20 animated in your office," because our
21 offices are, like, connected through a
22 suite.

23 And he said, "What's going on? I
24 could hear you getting animated."

25 And I said, "This is so crazy.

1 The Times Union called and then I spoke
2 to Vinny and it was" -- I, like, you
3 know, gave him a summarized version.

4 And then the governor called
5 Casey Seiler.

6 MR. KIM: Himself?

7 THE WITNESS: Yeah.

8 MR. KIM: And what did he say?

9 THE WITNESS: He said, "Don't get
10 mad at Melissa for being so amped up.
11 This is one of those topics that sends
12 her off a cliff," and they, like, had a
13 nice talk about the holidays.

14 I was like -- I only know that
15 because then Casey called me back and
16 said, "It's an unusual day when you're
17 the bad cop and he's the good cop."

18 MR. KIM: Did you talk to him
19 about the way in which this trooper,
20 **Trooper #1**, was hired?

21 THE WITNESS: No. I, like -- it
22 was more of a just straight retelling of
23 this is what happened, and this is what
24 Vinny told me, and I dealt with it and
25 the story is not going to run.

1 MR. KIM: Did he say anything
2 about how Trooper #1 was hired?

3 THE WITNESS: No. He just said,
4 "Get Casey Seiler on the phone."

5 MR. KIM: But that's the extent
6 of the conversation that day?

7 THE WITNESS: Yeah.

8 MR. KIM: How about after that?
9 Any conversations with the governor
10 about Trooper #1

11 THE WITNESS: No. There wasn't a
12 reason. I hadn't even, you know,
13 remembered who Trooper #1 was until the
14 press inquiry.

15 MR. KIM: Have you seen her
16 since?

17 THE WITNESS: If Trooper #1 is who I
18 think she is, I think I saw her. We had
19 an event for a bill signing on the tenth
20 anniversary of marriage equality, and I
21 think she was at the event.

22 MR. KIM: Have you ever spoken to
23 her?

24 THE WITNESS: I'm sure in
25 passing, hello, goodbye. But I don't

1 really -- I'm not, like, a small talk
2 person.

3 MR. KIM: Thanks.

4 MS. KENNEDY PARK: Turn to
5 Tab 160 in the binder. We'll mark this
6 as the next exhibit.

7 (Exhibit 3, The New York Times
8 article entitled "Who Can Say 'No' to
9 Cuomo? Melissa DeRosa, His Top Aide,"
10 dated May 14, 2020, marked for
11 identification, as of this date.)

12 BY MS. KENNEDY PARK:

13 Q. Do you want to take a look at it?

14 A. I'm familiar with the article.

15 Q. And if I'm right, this is an
16 article in the New York Times from May 14,
17 2020, the title of which is "Who Can Say 'No'
18 to Cuomo? His Top Aide, Melissa DeRosa."

19 Did you speak to any reporters in
20 advance of this article being published about
21 this article?

22 A. Ruth La Ferla I spoke to. Like,
23 I did an interview.

24 Q. And did you know that Lis Smith
25 was being interviewed by Ms. La Ferla?

1 A. Yes.

2 Q. How did you know that?

3 A. Because Ruth asked [REDACTED],
4 who was managing article, for friends of mine,
5 colleagues who knew me well that she could
6 speak to.

7 Q. Did you speak to Ms. Smith in
8 advance of this article being published about
9 the article?

10 A. Yeah.

11 Q. And tell us about that.

12 A. I just said, "Thank you so much
13 for talking to her. I really appreciate it.
14 I'm nervous about this piece coming out, and
15 I'm grateful that you're talking to her."

16 Q. Did she tell you what she told
17 Ms. Ferla?

18 A. I'm sure that she did, but
19 I -- the specific conversation doesn't,
20 like -- it wasn't anything so significant that
21 I recall.

22 Q. Were you involved or consulted
23 about any fact checking on this article?

24 A. After the fact, when they ran it,
25 there was a mischaracterization of my

1 husband's role at Uber. And so we talked
2 about how to get that fixed. And a press
3 person from Uber called the Times and they
4 updated it.

5 Q. In advance of the article being
6 published, were you given a preview of the
7 article?

8 A. No.

9 Q. Were you consulted in advance of
10 the article being published about any fact
11 checking for the article?

12 A. No.

13 Q. Did you work with anyone in
14 advance of this being published on the fact
15 checking?

16 A. I don't know what you mean by
17 that. I did an interview and then they pulled
18 from the interview, and they clearly had done,
19 like, a clip job on other stories about me.

20 And if they had questions, they
21 worked with [REDACTED]. And if she had a
22 question about something, she would ask me.

23 Q. Who is [REDACTED]?

24 A. [REDACTED] used to work for us.
25 She does communications, social media. She's

July 05, 2021

1 a good friend. She worked for us a few years
2 ago. She left the administration and then
3 during COVID came back to help.

4 Q. When you say "us," you mean she
5 worked at the executive chamber?

6 A. Yes.

7 Q. And where does she work now?

8 A. She's currently not working.

9 Q. Other than the
10 mischaracterization of what your husband's
11 role is at Uber, were there any other factual
12 inaccuracies in this article?

13 A. I don't remember. I don't think
14 so.

15 Q. Okay. In this article, Lis Smith
16 is quoted as saying:

17 "'If you're an Albany lawmaker
18 and you get a call from Melissa DeRosa,
19 you're essentially getting a call from
20 the governor.'"

21 Is that accurate?

22 A. I mean, that's a perception from
23 people.

24 Q. Is that accurate?

25 A. No, it's not accurate. Some

1 people I think have that perception.

2 Q. And what's not accurate about it?

3 A. The governor and I are not the
4 same person. And if the governor is calling
5 you, the governor is calling you. If I'm
6 calling you, I'm calling you. It's not the
7 same.

8 Q. Have you ever made a call that
9 the governor didn't know about?

10 A. Sure.

11 Q. Did you ever make a call that you
12 lied to the governor about?

13 A. I don't think so.

14 Q. It goes on in the bottom of the
15 article to say:

16 "'It is not easy to match his
17 confidence.'"

18 Do you see that sentence? Oh,
19 you have to go back to the first page.

20 "Confidence."

21 MR. HECKER: Sorry, where are you
22 pointing?

23 Q. "'It's not easy'" --

24 MS. KENNEDY PARK: The second
25 paragraph from the bottom.

July 05, 2021

1 Q. (Reading):

2 "It's not easy to match his
3 confidence, his sense of control during
4 those briefings, but she does,'
5 Ms. Smith said. 'She is by no means a
6 "yes" woman. As you may imagine, he
7 does not relish hearing no.'"

8 Is that an accurate description
9 of the governor, that he doesn't relish hearing
10 no?

11 A. I think that any person in power,
12 you know, there's a give and take. But I
13 actually think that the governor takes
14 constructive criticism well and asks for it
15 all the time. He actually doesn't like people
16 who just "yes" him.

17 Q. Who does he take constructive
18 criticism from well?

19 A. Senior staff people that he
20 respects, outside advisors who he respects,
21 longtime friends.

22 Q. Then why, when Ms. Smith said,
23 "As you may imagine, he does not relish
24 hearing no," why didn't you correct that as
25 factually inaccurate?

1 A. It's a quote. I mean, you'd have
2 to ask her about it.

3 Q. Did she preview for you that she
4 was going to say that?

5 A. No.

6 Q. If you turn to the next page, the
7 second paragraph from the bottom.

8 A. Mm-hmm.

9 Q. It says:

10 "Ms. DeRosa is known to be
11 unyielding in her support of the
12 governor."

13 Is that an accurate
14 characterization?

15 A. I am very supportive of the
16 governor, yes.

17 Q. Are you unyielding in your
18 support of the governor?

19 A. I don't know if I'd use that
20 characterization.

21 Q. How would you characterize your
22 support of the governor?

23 A. I'm very supportive of the
24 governor. I don't really understand the
25 question.

1 Q. It says --

2 A. I understand what it says, but I
3 don't really understand the question. I'm
4 very supportive of the governor.

5 Q. You can put that binder aside.

6 A. We're not going to talk about
7 Karen? She's right there on the page.

8 Q. We'll talk about Ms. Hinton later
9 today.

10 In the executive chamber, do
11 you -- you talked earlier about
12 training -- right? -- when you joined the
13 executive chamber.

14 What kind of training do you
15 receive?

16 A. When you first come onboard, you
17 do, like, an onboarding, and you get a
18 training on all kinds of different topics
19 that's required.

20 Q. Who does the onboarding?

21 A. Lauren Grasso does it now, but,
22 you know, I think she's had that job for a
23 couple of years. There have been different
24 people who have had that job over the years.

25 Q. Who did your onboarding?

1 A. I don't remember.

2 Q. And what does the training cover?

3 A. There's ethics training, there's
4 ITS training, there's sexual harassment
5 training. And the trainings have grown over
6 the years as we've added additional
7 components. There's now, like, a gender
8 identity training.

9 Q. So you're not -- you just said
10 that the onboarding includes sexual harassment
11 training. Is that right?

12 A. Yes.

13 Q. So when you got onboarded, did
14 you get sexual harassment training?

15 A. Yes.

16 Q. Okay. And tell us about that
17 training.

18 A. It was so long ago. I don't
19 remember if I took it on a PowerPoint -- like
20 on a video at that point or if I used the --
21 there's like a packet that they give you that
22 you read, and then you certify that you've
23 read.

24 Q. And you don't remember when you
25 onboarded which one you did?

1 A. No.

2 Q. Have you ever done the video
3 training on sexual harassment?

4 A. I've done the video training on
5 ethics a couple of times. I don't remember if
6 I also did the sexual harassment one early on,
7 but certainly not for a few years.

8 Q. Do you understand that the sexual
9 harassment training is a yearly requirement?

10 A. Yes.

11 Q. Have you completed it every year
12 you've been in the executive chamber?

13 A. I believe that I have. Although,
14 I know through this process that they don't
15 have records of everything. But I don't know
16 if that's because I didn't do it or it's a
17 record retention issue.

18 Q. When was the last time you did
19 the sexual harassment training?

20 A. In May.

21 Q. When do you normally do the
22 sexual harassment training?

23 A. There's generally a deadline and
24 our assistants are pretty good about standing
25 over you until you do it. So whenever, you

1 know, you're coming up on the deadline, you
2 get constant reminders.

3 Q. What's the deadline?

4 A. I actually don't know.

5 Q. Is it at the end of the year?

6 A. I think so but I'm not sure.

7 Q. Who would know?

8 A. Lauren Grasso.

9 Q. So was the deadline in May?

10 A. No.

11 Q. Did you do sexual harassment
12 training in May of this year?

13 A. Yes.

14 Q. And why did you do that?

15 A. The assistants had all of the
16 different trainings printed out, and they were
17 offering them up to people, and I said, "I
18 should just get this done now."

19 Q. Did you understand why the
20 assistants had all the trainings printed out?

21 A. I think the people were becoming
22 more aware of everything, obviously given the
23 situation. And we didn't do any trainings in
24 2020 because of COVID. And so I think that
25 there was a bigger push earlier on.

1 Q. Did you have any role in the
2 executive assistants bringing out the sexual
3 harassment training and other trainings in May
4 of this year?

5 A. I don't think so.

6 Q. Did you instruct anyone to do the
7 sexual harassment trainings in May of this
8 year?

9 A. I don't think so.

10 Q. Were you involved in any
11 conversations in which it was discussed the
12 need to do sexual harassment trainings in May
13 of this year?

14 A. I don't think so.

15 Q. You said, I think, that there's a
16 video option and then there's a paper option?

17 A. Mm-hmm.

18 Q. Can you tell me who gets to do
19 the paper option and who does the video
20 option?

21 A. I believe senior staff gets the
22 option to do the paper -- the, like, packet
23 that you read and then certify.

24 Q. Okay. And why does senior staff
25 get the option to do the packet?

1 A. Because everyone's schedules are
2 so fluid that when they schedule the
3 trainings, there was this constant issue of
4 people missing them. And so this was a way to
5 ensure that people were absorbing the material
6 or reading the material if they couldn't make
7 one of the trainings.

8 Q. The video sessions have to be
9 scheduled?

10 A. The video sessions are scheduled,
11 yeah.

12 Q. You can't just click and do it at
13 your leisure?

14 A. I have no idea but, earlier on, I
15 know that they were scheduled. And to this
16 day, like, the ethics one, for example, like,
17 there's a scheduled time slot when you can do
18 it.

19 Q. Okay. And is -- to your
20 understanding, the sexual harassment trainings
21 were also on some sort of schedule?

22 A. Yes, I think so.

23 Q. Were you a part of the decision
24 to offer the sexual harassment training to
25 senior staffers in paper form?

1 A. I don't think I was a part of the
2 decision. I think maybe I was notified, but
3 I'm not even sure what year it happened.

4 Q. And you told me earlier you
5 thought there might be a paper trail problem
6 with you doing your sexual harassment
7 training. Why don't you turn to Tab 146 of
8 your binder.

9 (Exhibit 4, Certification for
10 mandated sexual harassment training from
11 January 4, 2016, marked for
12 identification, as of this date.)

13 MS. KENNEDY PARK: We'll mark
14 this as the next exhibit.

15 Q. Tab 146 is, it looks like, your
16 certification from January 4, 2016, for the
17 sexual harassment trainings. Right?

18 A. It appears that way.

19 Q. And on that date you certified
20 that you had read the course material. Is
21 that right?

22 A. Mm-hmm.

23 Q. And that you had completed the
24 learning activities. Do you see that?

25 A. I see that it says that.

1 Q. What learning activities did you
2 complete?

3 A. I don't remember.

4 Q. Have you ever completed learning
5 activities as part of sexual harassment
6 training?

7 A. I don't remember.

8 Q. Have you completed any surveys as
9 part of sexual harassment training?

10 A. I mean, I remember reading the
11 scenarios. Like, this person says this, this
12 person says this, and then you read through
13 the questions. Is that what you mean, or is
14 it something separate than that?

15 Q. Did you do that? Did you read
16 through scenarios and then read through
17 questions about those scenarios?

18 A. Yes.

19 Q. And did you have to pick the
20 answers for those questions?

21 A. You -- like it says, like, "yes
22 or no." And then you just say continue to
23 read.

24 Q. Okay. And in the reading, does
25 it tell you what the right answers are to

1 those questions?

2 A. Yes.

3 Q. Okay. And do you remember doing
4 that?

5 A. Yes.

6 Q. And you did that on January 4,
7 2016?

8 A. I believe so. If that's what was
9 required in that year, I know that I have done
10 that.

11 Q. Okay. Why don't you turn to the
12 next tab. It's 147.

13 MS. KENNEDY PARK: We'll mark
14 this as the next exhibit.

15 (Exhibit 5, Certification for
16 mandated sexual harassment training and
17 equal employment opportunity, rights and
18 responsibilities training from
19 December 14, 2016, marked for
20 identification, as of this date.)

21 Q. This appears to be your
22 certification of having done two trainings,
23 one is the mandated training on sexual
24 harassment in the workplace, and one is on
25 equal employment opportunity, rights and

July 05, 2021

1 responsibilities.

2 Is that right?

3 A. It appears that way.

4 Q. Okay. And this is from
5 December 14, 2016. Do you see that date?

6 A. Mm-hmm.

7 Q. Okay. Tell me what did you
8 remember about the equal employment
9 opportunity rights and responsibility
10 training?

11 A. I don't remember from 2016.

12 Q. Do you remember ever having taken
13 it?

14 A. Yes.

15 Q. And what do you remember about
16 the contents of it?

17 A. It's about employee fairness and
18 how you treat one another in the office and
19 you make sure that you're not discriminating.

20 Q. And was there a
21 question-and-answer part of that training?

22 A. I don't remember.

23 Q. Do you remember anything that was
24 different about this sexual harassment
25 training than the one you took in January of

1 that year?

2 A. I don't remember.

3 Q. Go to Tab 245.

4 (Exhibit 6, Certification for
5 mandated sexual harassment training,
6 dated May 5, 2021, marked for
7 identification, as of this date.)

8 MS. KENNEDY PARK: We'll mark
9 this as the next exhibit.

10 Q. This is a certification from
11 May 5, 2021, signed by you, to the 2021
12 mandated sexual harassment training in the
13 workplace. Is that right?

14 A. Yes.

15 Q. And this is the training we were
16 just talking about that you took in May of
17 this year. Is that right?

18 A. Yes.

19 Q. And do you remember reading the
20 course material?

21 A. Yes.

22 Q. And how is that course material
23 any different than course material you studied
24 previously on sexual harassment?

25 A. I don't remember.

1 Q. And do you remember what the
2 learning activities were for this course
3 material?

4 A. It was the questions.

5 Q. The hypotheticals you were just
6 telling me about?

7 A. Yeah. Yes.

8 Q. Okay. There's no certification
9 that's been produced for training for you for
10 the years 2018 and 2019. Did you take sexual
11 harassment training in 2018?

12 A. I think so. But there's no
13 record of it, so I can't be certain.

14 Q. Okay. And how would the record
15 have gotten lost?

16 A. I don't know.

17 Q. Did you take sexual harassment
18 training in 2019?

19 A. I think so.

20 Q. And there's no record of it.
21 Have any idea of what happened to that record?

22 A. No idea.

23 Q. Do you have an actual memory of
24 taking the training in 2019?

25 A. I have memories of my assistants

1 every year coming in and saying, "We have to
2 make sure that this gets done." So I don't
3 know why it wouldn't have happened in those
4 two years.

5 Q. And are your assistants
6 responsible for making sure you sign the form
7 after you've completed the training?

8 A. I don't know that they're
9 responsible for it, but they've, like, taken
10 on that responsibility.

11 Q. And who does the certification go
12 to?

13 A. I believe to Lauren Grasso.

14 Q. Any reason to believe she threw
15 out your certification?

16 A. I don't know that there was,
17 like, meticulous attention to record retention
18 or that it didn't happen. But I find it hard
19 to believe that, when these things come around
20 and everyone is very focused on we have to
21 meet these deadlines, that it wouldn't have
22 happened.

23 Q. So you believe the training
24 happened in 2018 and 2019?

25 A. Yes.

Melissa DeRosa Highly Confidential
July 05, 2021

1 Q. Didn't happen in 2020. Right?

2 A. No.

3 Q. And why didn't it happen in 2020?

4 A. In COVID we suspended a lot of
5 the mandated rules and responsibilities around
6 these trainings.

7 Q. And why did you do that?

8 A. Because we were battling a global
9 pandemic and no one had a minute to breathe.

10 Q. When was it -- that suspension
11 lifted?

12 A. I don't remember.

13 Q. Who was involved in the decision
14 to make the suspension?

15 A. Beth Garvey and I'm sure myself.

16 Q. And who was involved in the
17 decision to lift the suspension?

18 A. Same.

19 Q. And tell us about why you made
20 the decision to lift the suspension.

21 A. Well, it wasn't a specific
22 decision to lift the suspension. As COVID
23 improved, we just began lifting all kinds of
24 suspensions, unless they were absolutely
25 necessary to fight the pandemic.

Melissa DeRosa Highly Confidential
July 05, 2021

1 Q. And do you remember when the
2 suspension on training was lifted?

3 A. No.

4 Q. Did you ever talk to the governor
5 about the suspension on training?

6 A. No.

7 Q. Did you ever talk to the governor
8 about lifting the suspension on training?

9 A. No.

10 Q. What do you know about the
11 governor having taken sexual harassment
12 training?

13 A. Same, similar situation. I know
14 that every year we have to do the trainings,
15 and I know that Stephanie would go in there
16 and make sure that he read the packet and
17 signed the certification.

18 Q. How do you know that?

19 A. Because I've gotten the question
20 in the context of press inquiries.

21 Q. Okay. And what was the question?

22 A. "Did the governor take a sexual
23 harassment training?"

24 Q. Okay. And who did that come
25 from?

1 A. I don't remember originally. It
2 may have been Norah O'Donnell.

3 Q. And what did you do to find out
4 the response to that inquiry?

5 A. I asked Stephanie and the
6 governor.

7 Q. Okay. And what did Stephanie
8 tell you?

9 A. That every year she would get a
10 reminder about the trainings, and that she
11 would make sure to print out and give them to
12 him, and that he would review them and then
13 sign them, and then she would give them to
14 whoever, whether it be Lauren Grasso or
15 whoever had her role before that.

16 Q. Did she watch him review them?

17 A. No.

18 Q. And what did the governor tell
19 you?

20 A. That every year he would get the
21 trainings, and that he had to read a packet
22 and sign something.

23 Q. Did she tell you that he did, in
24 fact, read the packet?

25 A. Yes. He said he believed that he

1 didn't remember a year when he didn't have to
2 do that.

3 Q. And he said -- did he tell you
4 that he recalled the packet containing sexual
5 harassment training?

6 A. Yeah.

7 Q. Okay. Did you --

8 A. All of trainings. I mean, we
9 generally do them all at once.

10 Q. Did he tell you anything else
11 about the sexual harassment training?

12 A. No.

13 Q. Who went back to the reporter?

14 A. I don't remember if it was me,
15 Peter, or Rich. One of the three of us.

16 Q. And what was the reporter told?

17 A. That he completed the sexual
18 harassment training.

19 Q. Was there any discussion about
20 whether the governor had signed his own
21 certification or someone else signed it for
22 him?

23 A. No.

24 Q. That question wasn't raised by
25 the press?

1 A. I don't think so.

2 Q. Is that something you talked to
3 Ms. Benton about?

4 A. No.

5 Q. Is it something you talked to the
6 governor about?

7 A. No.

8 Q. Have you talked to anyone about
9 that topic?

10 A. I don't think so.

11 Q. After the question from Norah
12 O'Donnell on whether the governor did his
13 sexual harassment training, has there been any
14 other discussions you've been a part of about
15 the governor doing his sexual harassment
16 training?

17 A. No. Again, like anything on this
18 topic, I feel like conversations were had
19 around the context of incoming press
20 inquiries.

21 Q. I'm not sure -- what is that in
22 response to?

23 A. You are asking about if there was
24 ever any other conversation around this. So I
25 think the only other time there could have

1 been conversation around it is if there was an
2 additional press inquiry, but the answer
3 didn't change.

4 Q. Okay. Was there an additional
5 press inquiry about whether the governor had
6 done the sexual --

7 A. I don't remember.

8 Q. We just can't talk over each
9 other.

10 A. Sorry, sorry.

11 Q. Was there an additional press
12 inquiry about whether the governor had done
13 his sexual harassment training?

14 A. I don't remember but there very
15 well may have been.

16 Q. Okay. Other than press
17 inquiries, were there any other conversations
18 you were a part of about whether the governor
19 had done his sexual harassment training?

20 A. No, not that I recall.

21 Q. Have you ever seen the employee
22 handbook?

23 A. Yes.

24 Q. Do you do training on the
25 employee handbook?

July 05, 2021

1 A. I don't think so.

2 Q. Does the equal opportunity
3 employment training that we just looked at,
4 does that cover the employee handbook?

5 A. I don't remember.

6 Q. Who's responsible in the
7 executive chamber for making sure that the
8 employee handbook is complied with?

9 A. I don't know.

10 Q. Do you have that responsibility?

11 A. No. I think that it's personal
12 responsibility.

13 Q. Everyone in the executive chamber
14 either directly reports to you or indirectly
15 reports to you. Is that right?

16 A. Mm-hmm.

17 Q. But you don't think you have
18 responsibility for ensuring that the employee
19 handbook is complied with?

20 A. No.

21 Q. Why don't we turn to Tab 153.

22 (Exhibit 7, Employee Handbook,
23 marked for identification, as of this
24 date.)

25 Q. Before we look at the handbook,

1 does the governor have a role in making sure
2 that this handbook is complied with?

3 A. I think that when you get the
4 handbook, you're supposed to certify that you
5 have read the handbook and that you will live
6 up to the responsibilities therein. I think.

7 Q. Did you do that?

8 A. Eight years ago probably. I
9 don't think it's something we do annually. I
10 think it's something you do onboarding.

11 Q. I apologize for interrupting you.
12 It's something that happens when
13 someone is onboarded to the executive chamber?

14 A. I believe so, yeah.

15 Q. And what is done within the
16 executive chamber to make sure that people do,
17 in fact, comply with their obligations under
18 the employee handbook?

19 A. I don't think that that's how the
20 world works. Like, you -- there's not one
21 person standing over someone's shoulder,
22 saying, "We have to make sure that you're
23 adhering to every single one of these things."

24 You're supposed to read it and
25 take your own role and personal responsibility

1 to make sure you're adhering to it.

2 Q. Is there anyone who has
3 responsibility for ensuring that the employee
4 handbook is complied with?

5 A. I don't know.

6 Q. Is there any sort of compliance
7 function within the executive chamber?

8 A. In which regard?

9 Q. In ensuring that the handbook is
10 complied with.

11 A. There's lots of things in a
12 handbook. Like, what specifically? There's
13 an ethics officer. There's somebody -- you're
14 supposed to clear things through counsel.
15 You're supposed to clear things through JCOPE.

16 I mean, there's not one person
17 that's charged with standing over someone's
18 shoulder and making sure that every line in
19 this book is adhered to, no.

20 Q. So there are people who have
21 responsibility for ensuring that parts of this
22 handbook are complied with. Is that what
23 you're saying?

24 A. Sure.

25 Q. Okay. And who are the people who

1 have responsibility for ensuring that parts of
2 this handbook are complied with?

3 A. Well, really it's really
4 yourself.

5 Q. I think you just told me that it
6 was --

7 A. Yeah, there's counsel. If you've
8 got --

9 MS. KENNEDY PARK: Hold on just a
10 second.

11 MR. HECKER: Hey, Melissa, wait
12 for her question.

13 Q. I think what you just told me
14 there's an ethics officer, there's counsel,
15 and now you're saying it's primarily yourself.

16 So, again, who has responsibility
17 for ensuring that parts of the employee
18 handbook are complied with?

19 A. You're asking an open-ended
20 question when I think that there are specific
21 answers. So there's someone that's supposed
22 to make sure that you do your trainings every
23 year. That's Lauren Grasso.

24 It's supposed to be that, if you
25 have a potential conflict, that you run that

016
July 05, 2021

1 through counsel's office, and that you get the
2 okay through counsel's office and if that
3 needs to be taken through JCOPE. So there are
4 different pieces.

5 But I think ultimately people
6 have personal responsibility. Because it's
7 not as if the counsel is standing over your
8 shoulder, saying, "Did you do this, did you do
9 this, did you do this" every day.

10 Q. I'm not asking about someone
11 standing over your shoulder. You said that
12 Lauren Grasso has responsibility for certain
13 aspects of the handbook, and that the
14 counsel's office has responsibility for
15 certain aspects of compliance with the
16 handbook.

17 Is there anyone else or any other
18 function that has responsibility for ensuring
19 compliance with aspects of the handbook?

20 MR. HECKER: And just before
21 answering that, you may just want to
22 look at the table of contents so you can
23 see if that prompts a thought about
24 whether there are people who have
25 responsibility for aspects of this.

1 A. (Document review.)

2 These are all the different
3 trainings that get broken out every year. I
4 think it's generally a supervisor who is
5 supposed to make sure your employees are
6 adhering to these. There's not, like, a
7 one-stop shop.

8 Q. Okay. So supervisors have
9 responsibility for ensuring that the people
10 they supervise comply with this handbook. Is
11 that right?

12 A. Yes.

13 Q. Are you a supervisor in the
14 executive chamber?

15 A. I am.

16 Q. Okay. So you have responsibility
17 for ensuring that the people you supervise
18 comply with this handbook. Is that right?

19 A. Yeah.

20 Q. What did you do to ensure that
21 the people who you supervise complied with
22 this handbook?

23 A. If an issue came to my attention,
24 I would make sure that it was addressed.

25 Q. Can you give me an example?

1 A. No.

2 Q. No issues have ever come to your
3 attention that raise --

4 A. Not top of mind.

5 Q. Can you wait for me to just
6 finish the question, because then she's really
7 going to get mad.

8 There are no examples that come
9 to your mind of issues that were raised to
10 your attention that called into question
11 whether this handbook was being complied with?

12 A. Not top of mind.

13 Q. Who's [REDACTED]?

14 A. I don't know.

15 Q. You've never heard the name
16 [REDACTED]?

17 A. I may have heard of it, but it
18 wasn't something that was -- sticks in my
19 mind.

20 Q. Where did you hear the name?

21 A. I don't know.

22 Q. Where may have you heard the
23 name?

24 A. I have no idea.

25 Q. Who's [REDACTED]?

1 A. [REDACTED] is somebody who
2 worked on the floor doing health policy and
3 now works at the Department of Health.

4 Q. How did he come to work at the
5 Department of Health?

6 A. He was transferred to the
7 Department of Health after he had an issue
8 with me.

9 Q. And what was the issue?

10 A. We had a phone call about COVID
11 in schools. He was responsible for making
12 sure that we had all of the updated
13 information and that compliance was occurring
14 statewide.

15 And there had -- you know, we did
16 these phone calls every day, every other day.
17 And after about half a dozen of them, when he
18 didn't have answers to any of the repeated
19 questions that he would get every morning, I
20 said, "I don't understand how it is that at
21 this point you don't have the answers to these
22 questions. You're talking about matters of
23 life and death. You're talking about people's
24 children. And yet you come to these calls
25 every day completely unprepared. And if you

1 can't do this, then we're going to need to
2 find somebody else who can."

3 And then following that, it was
4 relayed back to me that he, apparently after
5 the call, called me a number of things
6 including a bitch. I got a phone call from a
7 lobbyist that said that he had said it to
8 multiple people, and that a bunch of the
9 lobbyists were talking about how [REDACTED]

10 [REDACTED] was running around calling me a bitch,
11 and I believe [REDACTED], who was someone that
12 he worked with, may have reported it.

13 Q. When you say "reported it,"
14 reported it to who?

15 A. I think told a supervisor but I'm
16 not sure who.

17 Q. And you said he called you a
18 number of things. What else did he call you?

19 A. All I know specifically was bitch
20 but that was enough.

21 Q. And after it was reported, what's
22 the next involvement you had with [REDACTED]

23 [REDACTED]
24 A. I don't think I did. I spoke to
25 Judy Mogul and Beth, and I told them what had

1 happened.

2 Q. And what did you tell Judy Mogul?

3 A. Exactly what I just told you.

4 Q. And what did you tell Beth

5 Garvey?

6 A. They were on the phone together.

7 Q. Did you ask that he be

8 transferred?

9 A. I said I didn't feel comfortable
10 with him working under me if, in reaction to
11 me asking him to do his job and pushing him on
12 questions of life or death, that his response
13 to that was to say I was a bitch and say it to
14 a number of people.

15 Q. Did you ask for him to be removed
16 from the second floor?

17 A. Yes. I said I was no longer
18 comfortable with him.

19 Q. Sorry. You said --

20 A. In that position.

21 Q. -- you were no longer comfortable
22 with him, and you wanted him off the second
23 floor?

24 A. I don't remember the exact words
25 that I used, but I said, "in that position."

July 05, 2021

1 So that's the sum and substance of the
2 takeaway.

3 Q. Okay. And him calling you a
4 bitch is the thing that made you
5 uncomfortable?

6 A. Yes.

7 Q. And then what happened?

8 A. And then I believe that they
9 counseled him, and I think he requested the
10 transfer to DOH.

11 Q. Okay. When you say "counseled
12 him," what do you know about his counseling?

13 A. I don't know anything about it
14 beyond the fact that Beth Garvey spoke to him
15 and I believe counseled him.

16 Q. How do you know that Beth Garvey
17 spoke to him and counseled him?

18 A. Because she told me afterwards.

19 Q. Okay. And what did she tell you
20 happened at the counseling?

21 A. That he acknowledged it and that
22 he wanted the opportunity to apologize to me.

23 Q. And what else did she tell you
24 happened at the counseling?

25 A. Nothing.

Melissa DeRosa, Highly Confidential
July 05, 2021

1 Q. Did he apologize to you?

2 A. No.

3 Q. Did you tell Ms. Garvey that you
4 did not want him to have that opportunity?

5 A. I said it was unnecessary.

6 Q. And why did you think it was
7 unnecessary?

8 A. Because it was unnecessary.

9 Q. Why was it unnecessary?

10 A. It just was.

11 Q. Can you help me understand that?
12 He had made you feel uncomfortable. Why was
13 it unnecessary --

14 A. Because I didn't think him
15 apologizing --

16 MS. KENNEDY PARK: Sorry, we
17 just -- let me make sure she got the
18 question. Hold on a second.

19 MR. HECKER: Melissa, you got to
20 slow down.

21 THE WITNESS: Okay.

22 Q. I said, "Can you help me
23 understand why you think it was unnecessary?"

24 A. It just -- I didn't think that an
25 apology would do anything to resolve the

1 situation. It was what it was. It was just
2 unnecessary.

3 Q. But you thought transferring him
4 would resolve the situation?

5 A. I thought that it was
6 inappropriate to have somebody who was working
7 for me, after having a difficult conversation
8 where they were held accountable, to then
9 react to that by running around and calling me
10 a bitch.

11 Q. Did you talk to anyone else about
12 this incident with [REDACTED] other than
13 Ms. Mogul and Ms. Garvey and the lobbyist?

14 A. Not that I recall.

15 Q. Who was the lobbyist?

16 A. [REDACTED].

17 Q. I think you said that [REDACTED]
18 requested a voluntary transfer. Is that
19 right?

20 A. I think so.

21 Q. How did you come to that
22 understanding?

23 A. I think that's what Beth told me.
24 Or Judy. One or the other.

25 Q. Earlier you told me that one of

1 the purposes of the employee handbook is to
2 make sure people, I think you said, behave
3 appropriately. We can go back and look. But
4 words to the affect of behave appropriately in
5 the executive chamber and show respect.

6 Can you think of any other
7 occasions when you've been involved in a
8 situation where someone wasn't behaving
9 appropriately or with respect in the executive
10 chamber?

11 A. Not off the top of my head.

12 Q. Okay. Do you know [REDACTED]?

13 A. Yes -- well, no. But I know the
14 name. I don't know him but I know the name.

15 Q. Okay. How do you know [REDACTED]

16 [REDACTED]
17 A. He had an incident with

18 [REDACTED].

19 Q. Okay. And tell us about that
20 incident.

21 A. I don't know anything about it.
22 I just know that there was a conference call
23 where I think that she asked a question, and
24 in response to that he called her [REDACTED]

25 Q. And how did you come to that

1 understanding?

2 A. Judy told me.

3 Q. Why was Judy telling you?

4 MR. HECKER: Can we just
5 establish -- is that a privileged
6 conversation? I just don't want to --

7 MS. KENNEDY PARK: I'm not aware
8 that it is. But we can take a break,
9 and you guys can think about it.

10 MR. HECKER: Do you know the
11 answer?

12 MS. CROWLEY: Yeah, I think it
13 is. Can we just take a break now?

14 MS. KENNEDY PARK: Sure. Why
15 don't we go off the record.

16 THE VIDEOGRAPHER: The time is
17 11:16 a.m. This concludes Media 2. Off
18 the record.

19 (Recess taken from 11:16 a.m. to
20 11:22 a.m.)

21 THE VIDEOGRAPHER: The time is
22 11:22 a.m. This begins Media 3. On the
23 record.

24 BY MS. KENNEDY PARK:

25 Q. Before break we were talking

1 about [REDACTED] and Senior Staffer #2 [REDACTED]. Can
2 you tell me what you know about that incident.

3 MR. HECKER: Yeah, to the extent
4 the information is only through
5 discussions either with your counsel or
6 with Ms. Mogul, I instruct you those are
7 privileged discussions.

8 So you can talk about any other
9 discussions or information you have
10 independent of discussions with counsel.

11 Q. Do you have any information about
12 the incident between [REDACTED] and
13 Senior Staffer #2 [REDACTED] that did not come either
14 through Judy Mogul or through your personal
15 counsel?

16 A. No.

17 Q. Okay. Are you aware of any
18 occasions on which anyone in the executive
19 chamber made a report to GOER?

20 A. Yes. [REDACTED], who was
21 formally our counsel, made a report to GOER
22 about an agency matter, but I can't recall the
23 specifics. I think Jill may have done a
24 report to GOER on an employee, [REDACTED],
25 years ago.

1 I'm sure that there are more, but
2 those are the only ones that come to top of
3 mind.

4 Q. Okay. Tell us about the report
5 to GOER that was made by [REDACTED].

6 A. I don't remember. I remember
7 that at some point in June she asked for a
8 conference call. I don't remember what the
9 specifics of the incident were.

10 Q. In June of what year?

11 A. 2020.

12 Q. And you said it was related to
13 somebody at an agency?

14 A. I believe so. I don't think it
15 was an executive chamber employee. I think it
16 was an agency matter.

17 Q. You said she asked for a call. A
18 call with whom?

19 A. I remember this based on,
20 admittedly, like rereviewing documents. So my
21 knowledge of that is not, like, a unique
22 memory. It's from looking at e-mails. It
23 was, I think, me and Judy and [REDACTED] maybe
24 Beth, but I'm not 100 percent sure.

25 Q. Okay. And do you recall what you

1 were told on this phone call?

2 A. I remember -- I don't remember
3 the exact incident of what occurred, but I
4 know that -- I believe that it resulted in the
5 person being referred to GOER, I think maybe
6 ultimately fired. I don't know.

7 Q. The person who was complaining
8 being referred to GOER, or someone else being
9 referred to GOER?

10 A. No. A person, like, that had
11 alleged to do something. But again, I don't
12 remember any of the specifics.

13 Q. Okay.

14 A. So I don't want to say something
15 I don't know.

16 Q. Was the governor briefed on
17 anything about this incident that [REDACTED]
18 was reporting on?

19 A. No.

20 Q. What was your understanding of
21 why that incident was being reported to GOER?

22 A. I think it was a sexual
23 harassment incident, but I don't remember the
24 specifics.

25 Q. Because it was a sexual

1 harassment incident, it was being reported to
2 GOER?

3 A. Yes.

4 Q. And is that consistent with your
5 understanding of what the employee handbook
6 requires?

7 A. So from the training, from what I
8 understand, is that it can either go to GOER
9 or you can report it to your supervisor or you
10 can report it to counsel within your agency.

11 And then once one of those people
12 are aware, they can help you navigate. But
13 ultimately GOER does sexual harassment
14 investigations.

15 Q. Okay. So ultimately it's GOER's
16 responsibility to do a sexual harassment
17 investigation?

18 A. Yes.

19 Q. So whether someone brings it to
20 you directly or brings it to their supervisor
21 or brings it to counsel, ultimately it reports
22 to GOER?

23 A. Yes.

24 Q. Okay. And you say you came to
25 that understanding from the training?

1 A. Yes.

2 Q. When did that become your
3 understanding?

4 A. Always.

5 Q. The entire time you've been in
6 the executive chamber?

7 A. I think so, yeah.

8 Q. There's no point in time at which
9 the law changed regarding the reporting of
10 sexual harassment issues to GOER?

11 A. I don't think so. The
12 legislature has a different mechanism. They
13 report to JCOPE. I know that we changed the
14 law around the standard of sexual harassment,
15 but I don't think we changed the law around
16 the reporting mechanism. But I might be
17 wrong.

18 Q. Okay. We'll come back to the
19 change in the law in a few minutes.

20 But then the second incident you
21 said you were aware of that went to GOER that
22 involved the executive chamber came through
23 Jill DesRosiers and was about [REDACTED].

24 Tell us about that.

25 A. I think, and this was a long time

1 ago, but my -- I think that there was an
2 incident where [REDACTED] had been on the road
3 at an event and invited somebody to his room
4 and answered the door wearing, like, boxer
5 shorts, with a drink in his hand.

6 And then that person I believe
7 went to Jill, and then Jill reported it. I
8 think [REDACTED] maybe quit or something. I
9 think this led to his dismissal.

10 Q. How did you become aware of this?

11 A. I believe Jill briefed me at the
12 time.

13 Q. And what was your understanding
14 as to why Jill was briefing you?

15 A. Because this incident had
16 occurred and it needed to be dealt with.

17 Q. And what was [REDACTED] role?

18 A. He -- I think he did
19 intergovernmental affairs but, like, our
20 regional position. He was in her line of
21 command.

22 Q. So he worked in the executive
23 chamber?

24 A. I don't know if technically he
25 worked in the executive chamber or if he was

1 on an agency line, but he certainly did work
2 supporting the chamber.

3 Q. Who was the complainant in that
4 situation?

5 A. I don't remember.

6 Q. Do you remember if it was an
7 employee of the executive chamber?

8 A. It was certainly an employee. I
9 don't know if it was of an agency or the
10 executive chamber.

11 Q. What else do you remember about
12 Ms. DesRosiers telling you about that
13 incident?

14 A. I remember just that, that she
15 told me about the incident and that ultimately
16 he was dismissed. I don't remember if in the
17 between -- I don't know if he quit on his own,
18 he was fired. I just don't remember the
19 details.

20 Q. And she told you it was being
21 reported to GOER?

22 A. I believe so.

23 Q. Okay. Did you brief the governor
24 on that incident?

25 A. I think afterwards. I think

1 after he was gone.

2 Q. Okay. And what did you tell the
3 governor?

4 A. I don't remember specifically but
5 I assume -- well, I shouldn't assume. I let
6 him know that he was gone. I don't remember
7 how I conveyed the exact circumstances.

8 Q. But did you tell him him being
9 gone related in some way to him having engaged
10 in the behavior you described?

11 A. I don't think I was specific, and
12 I'm not even sure I said, "sexual harassment,"
13 but I think I told him it was a disciplinary
14 issue.

15 Q. And was it your conclusion that
16 [REDACTED] had engaged in sexual harassment?

17 A. It's not my job to interpret, but
18 it seemed like inappropriate behavior.

19 Q. Let's go back to -- you said
20 there was a change in the law on sexual
21 harassment. Tell us what you know about that
22 change in the law on sexual harassment.

23 A. In 2019 we changed the law to go
24 from severe and pervasive to no longer having
25 to be severe and pervasive. So it could just

1 be in the mind of the person who's being
2 harassed, like, if you feel uncomfortable.

3 Q. Make sure I understand this. So
4 before the law that was passed in 2019, in
5 order to be sexual harassment under New York
6 State law, the conduct had to be severe or
7 pervasive.

8 Is that right?

9 A. Correct.

10 Q. And the law that was passed
11 eliminated that requirement?

12 A. Correct.

13 Q. Okay. And what was your
14 involvement in getting that law passed?

15 A. I was a chief proponent of it,
16 through the Council on Women and Girls.

17 Q. And what does it mean to be the
18 chief proponent of it?

19 A. Internally, a lot of times
20 different staff people will take a lead on a
21 certain policy matter or issue area, and this
22 was one that I was very vocal on.

23 Q. And why did you think this policy
24 change needed to be made?

25 A. Conversations with stakeholders

036
July 05, 2021

1 within the Council on Women and Girls, they
2 thought that the standard legally was set in a
3 way that discouraged reporting or that was too
4 murky for plaintiffs to be able to come
5 forward.

6 Q. Did you agree?

7 A. Yeah.

8 Q. And so, in part, you wanted the
9 law to get passed to encourage reporting?

10 A. I wanted the law to get passed so
11 that victims would be able to have an easier
12 time reporting.

13 Q. And how does that law make it
14 easier for victims to report?

15 A. It's not actually about the
16 reporting. I guess that's the wrong word.
17 Just the standard, so that if there is an
18 incident of sexual harassment, that the
19 standard is lower so that people would be held
20 accountable in a different way.

21 So it wasn't on the victim to
22 prove and, like, what does "severe and
23 pervasive" mean and have the courts
24 interpreted it.

25 Q. What was the governor's role in

1 this change in the law?

2 A. He signed the bill.

3 Q. Other than signing the bill, did
4 he have a role in the change of the law?

5 A. I don't believe it was an issue
6 that he personally negotiated. I think that
7 that was me and Alphonso David. But obviously
8 he was of -- like, always briefed on what we
9 were doing, and that was a component of the
10 women's agenda that I spearheaded that year.

11 Q. Do you remember briefing him on
12 this change in the law?

13 A. I'm -- not specifically. But I'm
14 sure it happened. I'm sure that in the
15 context of negotiations -- I think we did it
16 in a budget -- we explained to him that this
17 was one of the things that we were moving
18 forward on.

19 Q. Are there documents reflecting
20 that briefing?

21 A. I don't think so. They're
22 verbal, not written.

23 Q. What do you remember about that
24 verbal briefing?

25 A. I don't. I mean, I just know --

038
July 05, 2021

1 I just know that on high-level issues,
2 especially when you're coming down to it at
3 the end and it's, like, what are we going to
4 get, what's falling off the table, that that
5 would have been one that we mentioned.

6 Q. Did you brief him on why the law
7 needed to be changed?

8 A. I think Alphonso briefed him on
9 why the law needed to be changed, like, before
10 an event on it, to explain so he understood.

11 Q. Do you know what event that was?

12 A. I think we did a bill signing
13 with a bunch of the women's rights advocates.

14 Q. Why don't we -- can you turn to
15 Tab 153?

16 MR. HECKER: 153 again? The
17 handbook?

18 MS. KENNEDY PARK: 153. The
19 handbook.

20 MR. HECKER: The same handbook?

21 MS. KENNEDY PARK: Yeah.

22 Q. Turn to page 17. So if you look
23 at the prior page, just so we're all oriented,
24 the prior page has "Sexual Harassment" at the
25 top. This is a section of the handbook that

1 is on the definition of "sexual harassment."

2 Do you see that?

3 A. Mm-hmm.

4 Q. Okay. And you see on the -- page
5 17 the definition of "hostile environment."
6 You see that?

7 A. Yes.

8 Q. Okay. And the definition says:

9 "Hostile environment sexual
10 harassment includes, but is not limited
11 to words, signs, jokes, pranks,
12 intimidation or physical violence which
13 are of a sexual nature, or which are
14 directed at an individual because of
15 that individual's sex."

16 Did you understand that to be
17 part of the definition of sexual harassment
18 while you were working in the executive
19 chamber?

20 A. (Reading):

21 "Which are directed at an
22 individual because of that individual's
23 sex."

24 I thought that there was also,
25 like, an unwanted component of that.

1 Q. That's a separate part of the
2 definition on the prior page. Do you want to
3 look at that?

4 A. Sure.

5 Q. On the bottom of page 16, it
6 says:

7 "Sexual harassment includes
8 unwelcome conduct."

9 Do you see that?

10 A. Mm-hmm.

11 Q. So that's one part of the
12 definition. On page 17, there's a different
13 part of the definition:

14 "Hostile environment sexual
15 harassment includes."

16 Do you see that?

17 A. Yes.

18 Q. Is that your understanding of a
19 part of the definition of sexual harassment
20 while you worked in the executive chamber?

21 A. I know that there is sex-based
22 harassment, and then there is, like, quid pro
23 quo sexual harassment. So I think this would
24 fall under the category of the sex-based
25 harassment. Right?

1 Q. And do you know what hostile
2 environment sexual harassment is?

3 A. Yes.

4 Q. Okay. And is this the definition
5 of hostile environment sexual harassment?

6 A. Yes.

7 Q. And so when you were working in
8 the executive chamber, this was your
9 understanding that part of -- this was your
10 understanding of the definition of hostile
11 environment sexual harassment?

12 A. Yes. I mean, I don't know it,
13 you know, word for word but the thrust.

14 Q. Okay. And when were you made
15 aware of this definition?

16 A. I mean, I just have always known
17 what a hostile work environment is. It's
18 just, like, a term that I'm aware of. I don't
19 remember as, like, a moment -- you know what I
20 mean? -- like a moment where I became aware of
21 what that term meant.

22 Q. This handbook, you said you read
23 it when you were onboarded. Is that right?

24 A. No. I said you're supposed to
25 read it when you're onboarded. I believe that

1 I had, like, went through it. I don't know
2 that I can say I read it word for word.

3 Q. But you told me you had to
4 certify that you had read this when you were
5 onboarded. Is that right?

6 A. That you had to review it, yes.

7 Q. You told me that you had to
8 certify that you had read it. Right?

9 A. I think so.

10 Q. Okay. And you told me that you
11 had, in fact, certified that you read this
12 handbook. Is that right?

13 A. Yes.

14 Q. Okay. So you read this handbook
15 when you were onboarded?

16 A. Yes.

17 Q. Okay.

18 A. I mean, a version of this. I
19 think this is a 2018 version. I don't know
20 how it changed from 2013.

21 Q. Yup. After you were onboarded,
22 have you had any occasion to review this
23 employee handbook?

24 A. What do you mean, "had an
25 occasion"?

1 Q. Was there a time when you looked
2 at it?

3 A. I don't think so.

4 Q. So since you were onboarded,
5 you've never looked at this employee handbook?

6 A. I don't think so. I think we
7 just do the annual trainings.

8 Q. You told me there's no annual
9 training on the employee handbook. Right?

10 A. Sexual harassment has its own
11 training.

12 MR. HECKER: Hang on. I don't
13 think there's --

14 Q. You told me there's no annual
15 training on the employee handbook. Correct?

16 MR. HECKER: Actually, she said
17 that the components of this are what
18 they train on.

19 MS. KENNEDY PARK: Let's ask the
20 question.

21 Q. So is there a training on the
22 entirety of the employee handbook?

23 A. I don't think so.

24 Q. Okay. There's sexual harassment
25 training. Correct?

1 A. Yes.

2 Q. Okay. So other than the sexual
3 harassment training, have you had occasion to
4 read this employee handbook since you were
5 onboarded?

6 A. I don't think so.

7 Q. If you go further on page 17,
8 into the fifth full paragraph, see the
9 sentence that begins "Furthermore"?

10 MR. HECKER: Page 17?

11 Q. Fifth paragraph, the last
12 sentence. It begins "Furthermore."

13 A. Yes.

14 Q. Okay:

15 "Furthermore, any supervisory or
16 managerial employee who observes or
17 otherwise becomes aware of conduct of a
18 sexually harassing nature must report
19 such conduct so it can be investigated."

20 Did you understand this to apply
21 to you?

22 A. Yes.

23 Q. You are a supervisor or
24 managerial employee?

25 A. Yes.

1 Q. Is there any occasion on which
2 you have reported conduct of a sexual
3 harassing nature?

4 A. Yes.

5 Q. What was that occasion?

6 A. There was a woman, [REDACTED]
7 [REDACTED] who I believe was at DCJS, who, after
8 I gave a speech on sexual harassment, sent me
9 a letter detailing to me a situation that was
10 happening with her. I consulted with counsel
11 at the time and referred it to the inspector
12 general's office.

13 When I became aware that
14 Charlotte Bennett said something at a bar
15 about an interaction she had with the
16 governor, I immediately called Judy Mogul and
17 reported it.

18 Q. Any other occasions?

19 A. Those are the two I remember
20 specifically.

21 Q. Okay.

22 A. Oh, and -- I'm sorry -- Brittany
23 Commisso.

24 Q. Any other people?

25 A. I don't know how Alyssa McGrath

1 was handled. I don't know if ultimately she
2 was claiming sexual harassment or not. But
3 that was handled by counsel's office and I
4 believe referred to the attorney general's
5 office.

6 Q. Anyone else?

7 A. I think that's it.

8 Q. Okay. Let's start with [REDACTED]
9 [REDACTED]. You said she worked for DCJS.

10 What's DCJS?

11 A. It's a state agency that handles
12 criminal justice issues.

13 Q. And what did the letter say?

14 A. I don't remember.

15 Q. Can you tell me the thrust of the
16 letter?

17 A. I honestly don't even remember
18 except that the thrust was that she believed
19 she was the victim of sexual harassment.

20 Q. And the victim of sexual
21 harassment by who?

22 A. I believe it was her supervisor.

23 Q. Do you remember any of the
24 details of what she alleged had happened to
25 her?

July 05, 2021

1 A. I don't know. If you asked me
2 four years ago, I could recall them, but I
3 don't remember.

4 Q. And did this occur in 2017?

5 A. 2017 is when she reported it to
6 me. I don't remember if it happened in real
7 time or if it had happened earlier.

8 Q. So this was a letter you
9 received. Was that a physical handwritten
10 letter?

11 A. I think it was an e-mail.

12 Q. On your executive chamber e-mail?

13 A. Yes.

14 Q. Have you seen a copy of that
15 e-mail recently?

16 A. No.

17 Q. And what did you do after you got
18 the e-mail?

19 A. I went to Alphonso David, who was
20 our counsel at the time, and said, "I just
21 received this e-mail. How -- what's the best
22 protocol to handle this? Given that it's not
23 an executive chamber employee, they don't
24 report to me, but I have now become -- made
25 aware of the situation."

1 Q. And what did he tell you?

2 A. He advised that we refer it to
3 the inspector general's office for
4 investigation.

5 Q. Do you remember why he said to
6 advise -- to go to the IG's office?

7 MR. HECKER: Sorry, can we just
8 pause for a second?

9 THE WITNESS: Is this counsel
10 conversations?

11 MR. HECKER: This is while he
12 was --

13 THE WITNESS: Counsel?

14 MR. HECKER: -- counsel?

15 THE WITNESS: Yeah.

16 MR. HECKER: I think that's
17 privileged.

18 MS. KENNEDY PARK: All right.

19 BY MS. KENNEDY PARK:

20 Q. Are you aware of how that
21 complaint was handled other than from Alphonso
22 David?

23 A. You mean the aftermath?

24 Q. Yes.

25 A. I believe he -- the supervisor

1 was ultimately fired.

2 Q. How did you come to know that?

3 A. I think it was reported in the
4 paper.

5 Q. Okay. Did you brief anyone on
6 the letter from [REDACTED]?

7 A. No. Except I think there was a
8 press inquiry about it.

9 Q. And what did you say in response
10 to the press inquiry?

11 A. I don't remember but I think in
12 that context, I had to talk to the
13 communications team about it.

14 Q. In preparation for today's
15 testimony, did you look at any documents
16 related to [REDACTED]?

17 A. No.

18 Q. Did you brief the governor on
19 [REDACTED]?

20 A. I think at the time I told him,
21 because it was right after I had given a
22 speech that this had come through and that he
23 might get a press question on it at an event,
24 and that the matter had been referred. But I
25 don't believe I told him the specifics.

1 Q. Meaning the specifics of what --

2 A. The allegations.

3 Q. -- [REDACTED] had alleged had
4 happened to her?

5 A. Yes, correct.

6 Q. Any other conversations with the
7 governor about [REDACTED]?

8 A. Not to my knowledge.

9 Q. We'll come back to the other
10 three.

11 If you look at that same
12 document, let's turn to page 40. Just so
13 everyone's following along, on page 40 there's
14 a section that has a bold heading that says
15 "Retaliation."

16 Do you see that?

17 A. Mm-hmm.

18 Q. Okay. Were you made aware of
19 this section on retaliation as part of your
20 role in the executive chamber?

21 A. I'm sure that I read it at some
22 point, yes, back when I onboarded. And I
23 think it's also a part of the annual sexual
24 harassment training. I think there's a
25 modified section on it.

1 Q. Other than during your onboarding
2 when you read the employee handbook or during
3 the annual sexual harassment training, have
4 you had occasion to review this definition on
5 retaliation?

6 A. I mean --

7 MR. HECKER: Outside discussions
8 with counsel.

9 THE WITNESS: No.

10 Q. Outside of discussions with your
11 private counsel, have you had occasion to
12 review this definition of retaliation with
13 anyone in the executive chamber?

14 A. I don't think this definition of
15 retaliation, no.

16 Q. So is there any occasion, other
17 than the onboarding or the annual training,
18 where you looked at this definition of
19 retaliation?

20 A. I don't think so, no.

21 Q. Okay. And at the bottom of page
22 40, it says:

23 "Adverse employment action.

24 Retaliation occurs when an adverse
25 action or actions is taken against the

1 employee by the employer. The action
2 need not be job-related or occur in the
3 workplace. Unlawful retaliation can be
4 any action, more than trivial, that
5 would have the effect of dissuading a
6 reasonable worker from making or
7 supporting a charge of discrimination."

8 Did you understand that to be the
9 definition of retaliation while you've been
10 employed at the executive chamber?

11 A. I don't know word for word but
12 the thrust.

13 Q. You understood that that
14 substance was the substance of the law on
15 retaliation. Is that correct?

16 A. Yes.

17 Q. And that this was the executive
18 chamber's policy on retaliation. Is that
19 correct?

20 A. The thrust of it, yes.

21 Q. Okay. And at -- flip over to the
22 next page. It says:

23 "Actionable retaliation by an
24 employer can occur after the individual
25 is no longer employed by the employer."

July 05, 2021

1 Did you understand that to be
2 part of the executive chamber's policy on
3 retaliation as well?

4 A. Yes.

5 Q. And it goes on to say:

6 "This can include giving an
7 unwarranted negative reference for a
8 former employee."

9 Did you understand that to be
10 part of the executive chamber's policy on
11 retaliation?

12 A. I don't know specifically but the
13 thrust.

14 Q. So you understood substantively
15 that an unwarranted negative reference for a
16 former employee could be a form of
17 retaliation?

18 A. Yeah, unwarranted, yes.

19 Q. You can go ahead and put that
20 aside.

21 What is the process for somebody
22 getting a transfer from the executive chamber
23 to a state agency?

24 A. I think it's person by person.
25 There's no set process.

054
July 05, 2021

1 Q. And when you say "person by
2 person," you mean you'll work it through
3 individually with any person who wants to
4 transfer to a state agency?

5 A. Not anyone who wants to, but if
6 somebody wants -- you know, has an interest in
7 going to an agency, either because it's less
8 hours or it's an area of interest or they
9 think it could be a better fit, if that person
10 is qualified and there's an opening available,
11 we're generally happy to facilitate that.

12 Q. Does the executive chamber try to
13 place people into state agencies or generally
14 keep them in state government rather than
15 going to private?

16 A. If they're, like, a good,
17 talented person and they say that they want to
18 leave, of course, you, like, lobby them to see
19 if you can keep them. Public service
20 obviously doesn't pay as much as the private
21 sector, and when you have someone who is
22 skilled and talented, you want to try to hold
23 on to them.

24 Q. Have you ever called a state
25 agency and asked them to, in substance, revoke

1 an offer that had been made to someone in the
2 executive chamber?

3 A. I don't think so.

4 Q. Have you ever called anyone in a
5 state agency and told them you wanted them to
6 stop trying to hire somebody from the
7 executive chamber?

8 A. I don't think so.

9 Q. Are you aware of either of those
10 things occurring on anyone else's behalf in
11 the executive chamber? Meaning did somebody
12 else in the executive chamber do those things?

13 A. Not specifically.

14 Q. Generally?

15 A. I know that when, like, earlier
16 in the administration, when Joe did personnel
17 matters, that sometimes that he would weigh in
18 on those kinds of things but not anything
19 specific.

20 Q. When you say "Joe," you mean Joe
21 Percoco?

22 A. Yes.

23 Q. And what do you know about Joe
24 weighing in on those things?

25 A. Nothing specific, just general,

1 that, like, he would get involved.

2 Q. And get involved how?

3 A. And decide whether or not he
4 thought people should be transferred into
5 agencies.

6 Q. Okay. Was there anyone specific
7 that you're aware of that Mr. Percoco decided
8 could not be transferred to a state agency?

9 A. Not specifically.

10 Q. Generally?

11 A. I mean, just what I just told
12 you.

13 Q. Okay. How did Andrew Ball leave
14 the executive chamber?

15 A. Which time?

16 Q. How many times has he left the
17 executive chamber?

18 A. He changed roles a number of
19 different times.

20 Q. Within the executive chamber?

21 A. I don't know if he was moved on
22 to agency lines during his time in the
23 executive chamber.

24 Q. Are you aware of him leaving the
25 executive chamber?

1 A. Yes.

2 Q. What do you know about the
3 circumstances under which he left the
4 executive chamber?

5 A. He had a really difficult time
6 after the Percoco case. He had to testify. I
7 think it was really hard on him
8 psychologically. He -- following that was a
9 very disruptive force internally,
10 interpersonally, and in terms of substance.

11 And we kept trying to give him
12 different roles and nothing fit. Nothing
13 worked. And he spoke to Judy Mogul a great
14 deal during his time there in trying to figure
15 it out.

16 And then ultimately I sat him
17 down with someone named [REDACTED] and Jill
18 to try to come up with a new system for
19 events, where I made each of them a captain
20 and they would each have their own teams.

21 And I thought it would be really
22 productive for the governor, for Jill, for the
23 operations team. I thought it would give each
24 of them a leadership opportunity to grow. And
25 Andrew was not happy about that, and then

1 basically said that he wanted to leave.

2 Q. And where did he want to go?

3 A. Just go.

4 Q. Did he want to go to a state
5 agency?

6 A. I don't think so.

7 Q. Is there any point at which
8 Mr. Andrew Ball expressed or you became aware
9 of him expressing a desire to go to the MTA?

10 A. He wanted to go be -- I'm
11 sorry -- you're refreshing my memory. He
12 wanted to go be chief of staff to [REDACTED].

13 Q. And why didn't that happen?

14 A. Because he wasn't [REDACTED].

15 Q. And how did they come to
16 understand that he wasn't [REDACTED]?

17 A. [REDACTED] didn't want to hire him as
18 his chief of staff.

19 Q. How do you know that?

20 A. Because I spoke to [REDACTED]

21 Q. Okay. Tell us about the
22 conversation with [REDACTED]

23 A. I don't remember it specifically,
24 but I know that [REDACTED] -- it was, like,
25 offboarding somebody at a certain point and

1 saying, like, will you take this person.

2 And he thought that Andrew Ball
3 was someone who [REDACTED], and
4 that if he went over to the agency, that he
5 would be really [REDACTED]. And he would have
6 this big title, and that it wouldn't be
7 productive, and that he wouldn't be [REDACTED]
8 as his chief of staff in the agency.

9 Q. So you were trying to convince
10 [REDACTED] to take Andrew Ball and he was resisting?

11 A. Early on. And I think I even
12 asked the two of them to sit down and have
13 coffee at one point.

14 Q. And did they?

15 A. I think so.

16 Q. And so from your perspective, the
17 reason Mr. Ball did not get that position is
18 because [REDACTED] didn't want him to have the job?

19 A. [REDACTED] didn't want him to have the
20 job. It would have to be some other different
21 job. And then I don't remember how it
22 ultimately came to a flat-out end with trying
23 to find Andrew something, but it became clear
24 that it was time for Andrew to go.

25 Q. Okay. And I think you said

1 earlier that it became clear it was time for
2 Andrew to go because he was [REDACTED] and he
3 had interpersonal challenges.

4 What did you mean by that?

5 A. He had a history of [REDACTED] a
6 lot of the staff. He would get on conference
7 calls and speak over people. He wouldn't take
8 direction from [REDACTED]. He thought he should
9 have been [REDACTED] boss. He had an [REDACTED]
10 [REDACTED] of his role in the chamber.

11 I had him work for [REDACTED] at
12 one point, who was state operations director.
13 He's like a pros pro. And he went to go work
14 for [REDACTED] and [REDACTED] said, like, "Andrew, I'm
15 going to -- you're going to learn some
16 things."

17 And then he said to [REDACTED] in
18 response, "You're going to learn some things
19 from me."

20 And [REDACTED] came to me and said,
21 "I'm not dealing with this [REDACTED]. Like, I
22 don't know who [REDACTED]."

23 I tried to put him with [REDACTED]
24 [REDACTED] at one point. There was a similar
25 negative back and forth. I think Andrew

1 believed that he should have been her boss.

2 And at a certain point, [REDACTED] was
3 very exasperated with him and how [REDACTED]
4 he was to the team. Any time she did calls on
5 events or tried to move any project forward,
6 it was almost like he would be [REDACTED] for
7 the sake of being [REDACTED].

8 Q. You said he was [REDACTED] staff.
9 Can you tell me what that means?

10 A. Well, I mean, it was in the
11 Percoco case. Like, he would just -- he would
12 belittle, be mean to, make fun of, openly
13 condescend to staff, both his contemporaries
14 and his juniors. I think he thought of
15 himself as a mini Joe Percoco.

16 Q. And you said that he, I think you
17 said, had negative back and forth with [REDACTED]
18 [REDACTED]. What was that?

19 A. Similar to the [REDACTED]
20 situation where she would give him a project
21 or ask him to do something, an assignment, and
22 he would be flip about it. It was beneath
23 him. It wasn't something that was up to his
24 level of sophistication.

25 And he was, you know, like a

1 younger staff person. I think he felt a
2 certain level of [REDACTED] because of the
3 amount of time that he had been with the
4 state. But it didn't match with his

5 [REDACTED]
6 Like, for the first five or six
7 years he was there, he really was, like, an
8 advance person, a body person. And so we kept
9 trying to give him opportunities to grow that
10 were a little bit separate from the governor.

11 You know, go work for the state
12 operations director, go work for [REDACTED] at
13 one point. And he -- at any time you did, it
14 would just blow up. And the person would come
15 back and say, "I'm not taking this anymore."

16 Q. How old was he?

17 A. I want to say Andrew was, like,
18 [REDACTED]. [REDACTED] or [REDACTED]

19 Q. Did you view this course of
20 conduct that he engaged in as consistent with
21 the employee handbook?

22 A. What do you mean?

23 Q. Well, so earlier you told me that
24 one of the purposes of the employee handbook
25 was to ensure that there was respect in the

1 workplace. Right? Did you view his conduct
2 as consistent with respect in the workplace?

3 A. No.

4 Q. So what did you do about it?

5 A. The Andrew issue, I mean,
6 ultimately I said it's time to go. I tried
7 him in a number of different positions, but
8 Andrew's [REDACTED] in the
9 workplace far predated my being in a senior
10 role.

11 Like, this was when I was comms
12 director. It's when I was chief of staff.
13 You know, he really was like a Joe person.
14 And I think that he [REDACTED]
15 accordingly.

16 Q. So you were the person who
17 ultimately decided that Andrew needed to leave
18 the executive chamber?

19 A. I just said that I was done
20 trying to find him another position.

21 Q. Did you ever consider making a
22 report to GOER about Andrew's conduct?

23 A. No. I reported it to Judy. At
24 one point I actually said to Andrew, "I'm not
25 comfortable being in a room with you without a

1 lawyer anymore," because he grew increasingly
2 [REDACTED]. And I told Judy and
3 reported it to Judy.

4 Q. And what did Judy do about it?

5 MR. HECKER: You don't have to
6 describe discussions you had with Judy.
7 Are you aware of Judy taking any action
8 after you reported it to Judy?

9 A. I think -- I don't think official
10 action. I think that she tried to mentor him
11 and support him. She had been his lawyer
12 during the Percoco stuff, and so she had a
13 relationship with him. And I think that she
14 encouraged him to try something new.

15 Q. Meaning new in terms of his

16 [REDACTED]?

17 A. No. I mean new in terms of,
18 like --

19 Q. Leave?

20 A. Yeah. I mean, not in a, like,
21 you have to leave but in a, like, you've been
22 here for ten years. Like, if you're going to
23 grow, you need to be in a different
24 environment. Try something new.

25 Q. So counseled him out?

005
July 05, 2021

1 A. She wasn't -- I don't think that
2 that was her -- like, I didn't tell her to
3 counsel him out. But I think in counseling
4 him, he came around to that decision.

5 Q. Okay. I'm actually asking a
6 slightly different question. Apologize if
7 this wasn't clear. But while he was in the
8 executive chamber, were there any efforts that
9 you were a part of to try to get him to change
10 the way he interacted with other members of
11 the staff?

12 A. Jill spoke to him multiple times.
13 I spoke to him multiple times. Alphonso David
14 certainly sat with him multiple times. Judy
15 sat with him multiple times.

16 Q. And when you sat with Andrew to
17 talk about the way he was treating other staff
18 members, what did you tell him?

19 A. That you -- just because you're
20 in a position where you can make decisions, it
21 doesn't -- like, that doesn't mean that your
22 role is to constantly berate people, talk over
23 people. Like, part of your job is to foster
24 their own growth, get them to lift themselves
25 up.

006
July 05, 2021

1 A team is only strong as its
2 weakest link. You don't want to push people
3 down. Trying to give him positive -- like,
4 different ways that he could be to be
5 positive.

6 Q. Like coaching?

7 A. Yeah.

8 Q. And is what Jill and Alphonso did
9 to your understanding similar?

10 A. Yes.

11 Q. Okay. And that coaching didn't
12 stick?

13 A. No.

14 Q. And that's ultimately why you
15 decided he had to leave the executive chamber?

16 A. Again, I didn't tell him he had
17 to leave. But I was done trying to find him
18 another -- like, we had moved him around nine
19 times in eight years. It was
20 counterproductive at a certain point. He
21 wasn't showing up to work. He would come in
22 for half days.

23 Q. Where we started talking about
24 Andrew Ball, we were talking about employees
25 who left the executive chamber and any role

1 you had or you were aware of in the executive
2 chamber preventing someone from taking another
3 job or saying someone shouldn't have another
4 job. We started talking about Andrew Ball.

5 I'm going to butcher his last
6 name, but **Staffer #5**, what do you know
7 about how he left the executive chamber?

8 A. He went to the Port Authority.

9 Q. Okay. And how did that come
10 about?

11 A. I think he worked with Jill. He
12 really wanted to go to the Port Authority, and
13 she helped facilitate after years of sitting
14 on this desk outside of Stephanie's office.

15 Q. Do you know how -- you said,
16 "years." So it took him a long time to go to
17 the Port Authority. Is that right?

18 A. I mean, I don't know how long he
19 had been requesting the transfer to the Port
20 Authority. But I'm saying I know that he sat
21 outside of Stephanie as, like, Stephanie's
22 assistant for years.

23 Q. You have no knowledge about how
24 long he had been asking for the transfer to
25 the Port Authority?

1 A. No.

2 Q. Do you have any knowledge of any
3 calls that Jill made to the Port Authority
4 about him?

5 A. Not firsthand.

6 Q. Secondhand?

7 A. No. I mean, I can imagine that
8 he called [REDACTED].

9 Q. Not imagine. Do you have any
10 knowledge?

11 A. No.

12 Q. Okay. Prior to [REDACTED] going to the
13 Port Authority, had there been any other
14 positions that you're aware of he had
15 expressed an interest in?

16 A. I don't remember.

17 Q. How about [REDACTED]? How did
18 she leave the executive chamber?

19 A. I don't remember.

20 Q. Do you know who she is?

21 A. Yes.

22 Q. Do you have any knowledge about
23 where she went?

24 A. No.

25 Q. What was her role in the

1 executive chamber?

2 A. She was an assistant working on
3 that same desk that [REDACTED] worked on. And
4 she was also a press assistant for a period of
5 time.

6 Q. You have no idea where her next
7 job was after the executive chamber?

8 A. I don't remember.

9 Q. You knew she left. Right?

10 A. Yeah, years ago but I don't
11 remember.

12 Q. Was there any discussion about
13 why she was leaving?

14 A. No.

15 Q. Was she good at her job?

16 A. Sure. I mean, she was a press
17 assistant. It wasn't, you know, someone I
18 came into a lot of contact with.

19 Q. Did you field any calls about her
20 when she was leaving the executive chamber?

21 A. I don't think so. I don't
22 remember.

23 Q. What about [REDACTED]? What
24 was your role, if any, in his leaving the
25 executive chamber?

1 A. I don't think I had a role in his
2 leaving the executive chamber.

3 Q. What do you know about why he
4 left the executive chamber?

5 A. I don't remember. It was after
6 all the Joe stuff. I don't remember.

7 Q. You don't have any memory of
8 having discussions about why [REDACTED]
9 was leaving the executive chamber?

10 A. I don't remember.

11 Q. Were you part of any discussions
12 about his potential future employers?

13 A. I don't remember.

14 Q. Were you part of any discussions
15 about contacting his potential future
16 employers?

17 A. I don't think so.

18 Q. How did Annabel Walsh leave the
19 executive chamber?

20 A. She quit.

21 Q. And what's your understanding of
22 why she quit?

23 A. She -- I told her that I didn't
24 think that she was succeeding as scheduler. I
25 wanted to move her into a different role. She

1 could stay in the chamber, she could go to the
2 campaign, she could go to an agency, but that
3 it was time to have a new scheduler. And she
4 made the decision to seek outside employment.

5 Q. Where did she end up?

6 A. I think WeWork. I don't think,
7 obviously, that she's -- she was working with
8 my friend [REDACTED]. I don't remember
9 where she went. I thought it was WeWork, but
10 the expression on your face leads me to
11 believe otherwise.

12 Q. That was that expression. But
13 she went to a private employer?

14 A. Yes.

15 Q. Did you have any contact with her
16 private employer?

17 A. No.

18 Q. Did you tell her she shouldn't
19 go?

20 A. I told her I really wanted her to
21 go to the campaign. I love Annabel. She's
22 like a little sister. And I wanted to keep
23 her in the family, and just because the
24 scheduling role didn't work out, I didn't want
25 her to interpret that to mean that she needed

1 to leave.

2 I wanted to keep her around

3 somehow, but that's not what she was

4 interested in.

5 Q. Sorry, I think you said -- you
6 just said, "keep her in the family." What did
7 you mean by that?

8 A. Just like, you know, I have,
9 like, a little core group of staff people
10 that, like, I consider like little brothers,
11 little sisters. And she's like a little
12 sister.

13 Q. Who else would you put in that
14 category?

15 A. Dani Lever.

16 Q. Anyone else?

17 A. Peter Ajemian.

18 Q. Anyone else?

19 A. I mean, over the years, sure.
20 But those are the ones that, like, come to
21 mind of the most recent.

22 Q. Sure. Over the years, who else
23 has been in that group?

24 A. [REDACTED].

25 Q. Anyone else?

1 A. [REDACTED].

2 Q. Anyone else?

3 A. [REDACTED], [REDACTED].

4 Q. Anyone else?

5 A. That's all I can think of off the
6 top of my head.

7 Q. And so just to be clear, this is
8 a group of people that you think of as, sort
9 of, part of a family. Like, you think of them
10 like little brothers or little sisters?

11 A. Yeah.

12 Q. Are all these people younger than
13 you?

14 A. Yes.

15 Q. And if you're part of this group
16 of people, so what do you do to support this
17 group of people?

18 A. I've tried to mentor them over
19 the years, give them advice about their career
20 trajectory, personal relationships.

21 Q. Anything else?

22 A. No.

23 Q. Have you ever tried to leave the
24 executive chamber or thought about leaving?

25 A. For, like, five minutes after the

1 campaign in 2014 but it was fleeting. And
2 right now I'm considering my options.

3 Q. Who did you talk to in 2014 about
4 your fleeting idea of maybe leaving?

5 A. I think Joe at the time.

6 Q. Joe Percoco?

7 A. Yeah.

8 Q. Anyone else?

9 A. I think the governor.

10 Q. And tell us about the
11 conversation with the governor.

12 A. It wasn't -- it wasn't, like, a
13 memorable conversation. I think at the time
14 [REDACTED] had just left -- my husband had just
15 left. He had gone to the campaign, and he had
16 decided he wasn't coming back, and then I was
17 trying to decide whether or not I should go or
18 stay.

19 And I think both Joe and the
20 governor said, "You have so much growing to
21 do, you know, you should stay and continue to
22 be in public service." But it was never,
23 like, a real conversation.

24 Q. Did you talk to anybody else
25 about potentially leaving in 2014?

1 A. I think, like, [REDACTED].

2 Q. And who's [REDACTED]?

3 A. A friend of mine who is in public
4 relations.

5 Q. Were you considering going to
6 work with [REDACTED]?

7 A. He offers me a job once every six
8 months. You know, it's like one of those
9 people that ...

10 Q. And had he offered you a job in
11 2014?

12 A. I think he was, like, when the
13 time is right, you know, which is the same
14 thing he says to when I see him, like, two
15 weeks ago.

16 Q. Two weeks ago did he offer you a
17 job?

18 A. No. I'm being facetious, I'm
19 sorry.

20 Q. Any other occasions in which
21 you've considered leaving the executive
22 chamber?

23 A. No. I thought about going over
24 to the campaign in 2018 but ultimately decided
25 not to.

1 Q. And why not?

2 A. **Former Consultant** agreed to do the
3 reelect, and so there -- it wasn't -- they
4 didn't need both of us.

5 Q. Any other occasions in which
6 you've considered leaving the executive
7 chamber?

8 A. No.

9 Q. You said you're exploring your
10 options right now. What did you mean by that?

11 A. There's possibility, given where
12 we are in the election calendar, that I would
13 go work on the reelect or pull together the
14 coordinated effort for democrats statewide,
15 which is, sort of, the same conversation we
16 had in 2018.

17 Q. I see. When **Former Cons** took the
18 role?

19 A. Yeah.

20 Q. So it would be that role?

21 A. Maybe or some hybrid of -- **Former Cons**
22 was really focused on the campaign. This
23 would be more global.

24 Q. And who are you talking to about
25 that?

July 05, 2021

1 A. I've had some conversations with
2 the governor about it.

3 Q. Tell us about those
4 conversations.

5 A. Literally just that. We're at
6 the point in the calendar where we have to
7 think about the political apparatus and who's
8 going to run that. And we've got a bunch of
9 congressional -- I mean, Nancy Pelosi is
10 holding on to the majority by four seats. We
11 can't afford to lose any of the congressional
12 seats. We should try to shore up a couple.

13 And so we've had very preliminary
14 conversations around that.

15 Q. When does that decision have to
16 be made?

17 A. There's no deadline.

18 Q. When is that decision normally
19 made?

20 A. It depends on the year. I think
21 it's going to be a really tough year
22 politically next year, with crime rising and
23 with, you know -- everything is now so
24 controlled by democrats. I think there's,
25 like, a swing -- more center that we have to

1 consider.

2 So I would think that we should
3 be getting something up and running sooner
4 rather than later.

5 Q. When **Former Cons.** took the role,
6 when was she appointed or announced to that
7 role?

8 A. She came in -- she did just the
9 reelect. But she came in -- I want to say it
10 was something like February or March. But at
11 that point the primary calendar was different.
12 The primaries took place in September. We've
13 since changed the law, and they take place in
14 June. So everything, like, bumps back.

15 MS. KENNEDY PARK: Why don't we
16 go off the record.

17 THE VIDEOGRAPHER: The time is
18 12:07 p.m. This concludes Media 3. Off
19 the record.

20 (Lunch recess taken from
21 12:07 p.m. to 1:01 p.m.)

22 (Continued on the next page.)
23
24
25

July 05, 2021

A F T E R N O O N S E S S I O N

- - -

(Time noted: 1:01 p.m.)

- - -

THE VIDEOGRAPHER: The time is
1:01 p.m. This begins Media 4. On the
record.

- - -

M E L I S S A D E R O S A, resumed and
testified further as follows:

CONTINUED EXAMINATION

BY MS. KENNEDY PARK:

Q. Let's shift the focus of our
conversation a little bit and talk about some
specific people. Okay. Do you know who
Lindsey Boylan is?

A. Yes.

Q. Okay. When did you first meet
Ms. Boylan?

A. I don't remember specifically but
sometime I would say 2016ish, 2017ish.

Q. And when you met her, what was
her role?

A. Chief of staff to Howard Zensky,
who was the CEO of Empire State Development

July 05, 2021

1 Corporation.

2 Q. Can we call Empire State
3 Development Corporation ESDC?

4 A. Yes.

5 Q. Okay. Great. And do you
6 remember the first time you met her?

7 A. I don't specifically.

8 Q. Okay. And when she was the chief
9 of staff to Howard Zemsky in his role at ESDC,
10 how often did you interact with her?

11 A. Not frequently. She would come
12 to -- on some trips. She would be in some
13 group meetings.

14 But I didn't ever focus that
15 heavily on economic development as a portfolio
16 of mine, like, in the division of labor and
17 senior staff. That more went to the budget
18 director. So I wasn't -- I didn't interact
19 with her a ton.

20 There were many more people on
21 the second floor who interacted with her more.

22 Q. Who are the people that
23 interacted with Ms. Boylan more?

24 A. I would say Jill DesRosiers,
25 Annabel, Rob mainly. Because, you know, she

1 would be involved in projects and events. So
2 she would come to briefings with the governor
3 about what those projects or events were.

4 Sometimes she would come to
5 events. And so it was, sort of, like, the
6 events side of the world, like, more of the
7 logistics, or, like, Robert Mujica who did the
8 finances.

9 Q. Okay. So Lindsey's interactions
10 were more with Jill and Annabel on the event
11 side or on the briefing side, and then with
12 Mr. Mujica on the, sort of, policy economics
13 side?

14 A. That's correct.

15 Q. And 2016 and 2017, was budget
16 part of your portfolio?

17 A. Everyone works on the budget.
18 But Robert is the point person. In 2016, I
19 was chief of staff, and then 2017, I was --
20 after the budget, I became secretary.

21 Q. And you said she went on trips.
22 What kind of trips did Ms. Boylan go on?

23 A. Economic development
24 announcements. We traditionally have relevant
25 commissioners and their senior staff attend

1 announcements. And they're generally part of
2 briefing the governor beforehand, and then
3 working with the press office on the back end
4 to answer any questions from the media.

5 Q. Were you ever present when
6 Ms. Boylan briefed the governor on one of
7 those events?

8 A. I'm sure that I was. I don't
9 have any specific recollection, but I'm sure
10 that I was.

11 Q. Okay. You have no memory of what
12 happened during that briefing or how they
13 interacted?

14 A. No, not a specific memory.

15 Q. Did there come a time when you
16 had more interaction with Ms. Boylan?

17 A. When she transitioned over to the
18 second floor.

19 Q. Okay. And how did it come about
20 that she transitioned over to the second
21 floor?

22 A. We needed somebody on the second
23 floor who could be more focused on economic
24 development, and she was seemingly very
25 competent. And it seemed like it would be a

1 good fit.

2 She came over to be dep sec,
3 which was a little bit tricky because
4 technically a dep sec is then the boss of the
5 commissioners that are under their portfolio.

6 So it was a little bit strange
7 because she's going from being chief of staff
8 to Howard Zensky to them being technically his
9 boss.

10 But we thought that she would be
11 a good fit, so she became dep sec for economic
12 development, and I think we also gave her a
13 title of senior advisor to the governor, which
14 is something she had wanted.

15 Q. Was the dep sec for economic
16 development a role that was created, or did
17 that exist beforehand?

18 A. It existed.

19 Q. And who filled that role?

20 A. Lindsey.

21 Q. Before Lindsey?

22 A. Oh, I think [REDACTED], which
23 I would never have remembered except that you
24 mentioned him earlier.

25 Q. And you said she became dep

1 secretary and you said senior advisor to the
2 governor?

3 A. Yeah.

4 Q. I think you said that was a title
5 she wanted?

6 A. I believe so, yes.

7 Q. Okay. And what's your
8 understanding of why she wanted that title?

9 A. I think that it projects that
10 you're doing more than just that portfolio. I
11 know that she had an interest in learning
12 about and being involved in more than just
13 economic development.

14 And it wasn't an uncommon thing.
15 We have a number of people who have the title
16 senior advisor.

17 Q. Is it similar to when you had
18 your title of strategic advisor?

19 A. I think so. It's comparable.

20 Q. And you said, "we" decided she
21 would come over. Who's the "we"?

22 A. We had the opening. So we had to
23 fill it. I think -- I believe that it was me
24 in consultation with Jill and [REDACTED],
25 who at the time was state operations director,

1 and the governor.

2 Q. And what do you remember the
3 governor saying about filling that role, the
4 role left by [REDACTED]?

5 A. I don't remember anything
6 specific, but he, I think, also believed that
7 she was competent and strong and would be a
8 good fit.

9 Q. Are you aware if the governor had
10 any conversations with Ms. Boylan in advance
11 of her taking the position?

12 A. I am aware that he talked to her
13 about coming to the floor.

14 Q. Okay. And how did you become
15 aware of that?

16 A. Because he told me.

17 Q. Okay. And what did he tell you?

18 A. Nothing specific more than, "I
19 spoke to Lindsey, she's open to the role. I
20 think she'd be great."

21 Q. So this was around the time she
22 was being considered for the role?

23 A. Yeah.

24 Q. And do you remember anything else
25 he said about the conversation with Lindsey?

Melissa DeRosa, Highly Confidential
July 05, 2021

1 A. Nothing specific.

2 Q. Do you remember the governor ever
3 telling you that Lindsey Boylan had conveyed
4 that she thought you didn't like her, and that
5 made her worried about taking the position?

6 A. No.

7 Q. Anything like that the governor
8 said to you?

9 A. No.

10 Q. Any conversations the governor
11 had with you about concerns Ms. Boylan had
12 about taking the position in the executive
13 chamber?

14 A. No, other than the trickiness
15 around Howard.

16 Q. Any concerns, other than the
17 trickiness around Howard, that Ms. Boylan
18 raised about taking the position in the
19 executive chamber?

20 A. Not with me.

21 Q. So she took that role when?

22 A. January, February 2018 I want to
23 say, which I only remember more specifically
24 because everything that's come back up.

25 Q. Just to go back a second, you

1 said the governor had a conversation with
2 Ms. Boylan about the role that he told you
3 about.

4 Was that a one-on-one
5 conversation?

6 A. I think so.

7 Q. And do you know if that
8 conversation was in person or over the phone?

9 A. I have no idea.

10 Q. Did you ever ask?

11 A. No.

12 MR. HECKER: Sorry. Just so the
13 record is clear, which conversation
14 one-on-one?

15 MS. KENNEDY PARK: The
16 conversation that the governor had with
17 Ms. Boylan about taking the role.

18 Q. Was that in person or was
19 that --

20 MR. HECKER: Do you know?

21 Q. -- over the phone?

22 A. I don't know.

23 Q. You don't know.

24 And you never asked anybody
25 whether it was in person or over the phone?

Melissa DeRosa Highly Confidential
July 05, 2021

1 A. No.

2 Q. Okay. So she takes the role in
3 January, February, sometime of 2018.

4 Did you observe her interact with
5 the governor?

6 A. Sure.

7 Q. Okay. And tell us about what you
8 observed.

9 A. That she was generally a, like,
10 competent voice in the room. There are
11 certain people that interact with him better
12 than others. If you speak in an assertive
13 way, if you're able to answer second question,
14 the third question, the fourth question, you
15 tend to be much more successful with him.

16 People who are a little bit more
17 meek or unsure of themselves or don't have
18 that information don't succeed as well. And I
19 remember being in briefings with her where
20 questions would come up about specific
21 projects, and I remember thinking, like, she
22 can handle these questions.

23 Q. And why were you involved in
24 those briefings? If it's, sort of, her area
25 is under your portfolio, why do you end up in

July 05, 2021

1 the briefings?

2 A. Sometimes when we're getting
3 ready to do an event, you'll go through the
4 whole day. So it'll be, like, prep for
5 Thursday, pull everyone in that has some piece
6 of Thursday.

7 And so he'll run through, you
8 know, meeting by meeting, and then the person
9 who has to be in the room has to answer the
10 substance. You have, like, the substance
11 person, the logistics person.

12 And sometimes I would work on
13 things that she was involved in, just not
14 predominantly.

15 Q. Other than the interactions in
16 which you observed her briefing the governor,
17 did you observe any other interactions between
18 her and the governor?

19 A. Not really.

20 Q. Did you observe her and the
21 governor ever touch?

22 A. No. I mean, it wouldn't be a
23 crazy thing if he hugged her because he's
24 someone who hugs people in the office. But
25 nothing specific that stands out.

1 Q. Did you ever observe him hug
2 Lindsey Boylan?

3 A. I can't specifically recall, but
4 I wouldn't be surprised.

5 Q. All right. But you don't
6 remember it happening --

7 A. No.

8 Q. -- yes or no?

9 A. No.

10 Q. Okay. And did you ever observe
11 the governor yell at Ms. Boylan?

12 A. There was one call that I was on.
13 I don't remember if she was in the room or on
14 the phone. I wouldn't say it was yelling, but
15 he was stern with her.

16 Q. Okay. And what was that call
17 about?

18 A. I think it was about an
19 MTA-related project.

20 Q. And what happened?

21 A. She didn't have the answers to
22 the questions that he was asking.

23 Q. And what did he do?

24 A. I think he said, "Everybody go
25 back and get your act together before you come

1 talk to me again."

2 Q. Is that something out of the norm
3 for the governor?

4 A. No.

5 Q. And what happened after that with
6 Ms. Boylan?

7 A. I don't remember anything
8 remarkable immediately following that.

9 Q. You were present for that?

10 A. Again, I don't remember if it was
11 on the phone or in the room.

12 Q. But you overheard it?

13 A. Yes.

14 Q. Did she ever speak to you about
15 that occasion?

16 A. No.

17 Q. Did she ever speak to you about
18 any occasion or any issues or concerns she had
19 about her interactions with the governor?

20 A. No.

21 Q. Did she ever speak to you or
22 raise any concerns she had about her
23 interactions with anyone in the executive
24 chamber?

25 A. No, not that I can recall -- oh,

1 [REDACTED].

2 Q. And what did Ms. Boylan raise to
3 you about [REDACTED]?

4 A. It was bizarre. We were on the
5 second floor of the Capitol in Albany, and
6 something happened between the two of them in
7 the hallway. And Lindsey came to my office
8 and said, "I'm not dealing with that little
9 shit anymore. He is so disrespectful. I just
10 asked him for something, and he snapped at
11 me."

12 Q. And what happened after that?

13 A. I called [REDACTED] into my
14 office.

15 Q. And what happened?

16 A. I took her side, like, with the
17 perspective that that wouldn't be an uncommon
18 thing that [REDACTED] -- how [REDACTED] would behave.
19 I was perhaps not the best manager in that
20 moment and didn't ask him questions.

21 I assumed that what she told me
22 was correct. And I said to him, "You can't
23 speak to Lindsey that way. It's unacceptable.
24 She's a senior person in this office. She is
25 someone who is above you."

1 And he started saying to me, "She
2 went [REDACTED] on me. I did not say anything to
3 her. I literally just walked by and said,
4 'Hi, Lindsey,' and she started screaming at me
5 like a [REDACTED]. It's not fair that you're
6 assuming that what she said was correct."

7 Q. And how did you resolve that
8 situation?

9 A. I apologized to [REDACTED] for not
10 hearing him out first, and I said that I would
11 go back and talk to Lindsey, and that I wanted
12 the two of them to be respectful to one
13 another, and that there shouldn't be a
14 situation where people are yelling at each
15 other in the hallway.

16 And then I went back to Lindsey
17 and I said to Lindsey, "[REDACTED] says that
18 something different happened," and she was
19 very defensive. And it was almost a situation
20 of, like, agree to disagree. Like, the two of
21 them, their versions of the story could not
22 have been more black and white.

23 And the ultimate outcome in both
24 of their conversations with me was like, we
25 have to move forward. Whatever it is that

1 happened here, like, we're all adults, and we
2 have to move forward and we have to be
3 respectful.

4 Q. Was it an isolated incident
5 having two senior members of the governor's
6 staff yelling at each other?

7 A. Like that, yes.

8 Q. And what made that different than
9 other occasions?

10 A. I wouldn't say people yell at
11 each other, and like, there -- it's a very
12 high-stress environment. It's very
13 high-pressure jobs. People go through long
14 periods of time where they don't get a lot of
15 sleep.

16 There are times when people can
17 be short with one another or be stern with one
18 another or raise their voice. But it's not
19 common that you would just see two adults
20 screaming at each other in the hallway of the
21 second floor of the Capitol with absolutely no
22 basis.

23 Like, that was a very -- the fact
24 that I'm remembering that is, like, that was a
25 very specific thing.

1 Q. What about screaming at each
2 other in their offices? Is that an occurrence
3 that you've seen in the executive chamber?

4 A. Early on in my tenure.

5 Q. And who was involved in those
6 occasions?

7 A. Joe and Larry, Howard and Joe.

8 Q. Anyone else?

9 A. Those are the people that I
10 recall most specifically.

11 Q. Have you ever screamed at anyone
12 in the executive chamber?

13 A. I don't think I scream at people.
14 I certainly have raised my voice.

15 Q. And who have you raised your
16 voice at?

17 A. Rich Azzopardi, Howard Zucker,
18 [REDACTED]. I mean, I don't view it as
19 yelling. I get animated, I get short with
20 people sometimes, but it's not like gratuitous
21 screaming for the sake of screaming.

22 Q. And on the occasion that [REDACTED]
23 and Ms. Boylan were engaged in the hallway,
24 you thought that was gratuitous screaming?

25 A. It was nonsensical. There was no

1 basis for an argument. There was no -- it was
2 just two people were screaming at each other
3 in the hallway.

4 Q. Okay. And so the line you're
5 drawing is between, sort of, it doesn't make
6 sense to be screaming versus we're having some
7 sort of legitimate disagreement --

8 A. Policy -- sorry -- I don't mean
9 to speak over you.

10 Q. It's okay. A legitimate
11 disagreement about something, and then that's
12 okay to raise our voices about that?

13 A. I'm not saying it's ever okay to
14 raise your voice, but I, in my mind,
15 differentiate between if you're having a
16 disagreement over a policy or if
17 you're -- something is going on and you're
18 attempting to hold someone accountable for,
19 you know, a subject matter, versus just
20 gratuitous eruption.

21 Q. Have you ever had a gratuitous
22 eruption?

23 A. Well, I guess that's in the eye
24 of the beholder. I don't think so.

25 Q. Has anyone ever told you that

1 they thought that you had erupted at them?

2 A. Not -- no.

3 Q. Anyone ever told you that they
4 thought you had treated them disrespectfully?

5 A. Lindsey Boylan.

6 Q. Anyone other than Ms. Boylan?

7 A. I think Kelly Cummings on one
8 occasion. I think [REDACTED] on one
9 occasion. No one else I can recall
10 specifically.

11 Q. Have you ever had someone mentor
12 you about your management style?

13 A. Yes.

14 Q. Who?

15 A. [REDACTED], [REDACTED].
16 I mean, like lots of mentors over the years.

17 Q. And on what occasion -- well,
18 what occasion [REDACTED] mentored you on your
19 management style?

20 A. There were instances where he
21 thought that people were too siloed and that
22 it would be beneficial to do more than just
23 the 9 a.m. morning meeting, to do lunch
24 meetings once every three days.

25 He thought that on -- you know,

1 if we didn't have to be working 24 hours a
2 day, perhaps we shouldn't be, like, you know,
3 you've got to let people put fuel in the tank,
4 you've got to let people unplug every once in
5 a while, like those sorts of things.

6 Q. What about [REDACTED]?

7 A. I mean, [REDACTED] was -- this is
8 such a digression but she, you know, was the
9 most powerful woman in New York politics.
10 When I was a kid, I looked up to her.

11 She was the one that taught me,
12 sort of, the opposite of those things, which
13 is like, 24 hours a day, you sleep with the
14 BlackBerry next to your head. Like, if you
15 get an e-mail, within five minutes you
16 respond.

17 As a woman in this business, you
18 are always going to be held to a higher
19 standard. You have to work harder. You have
20 to know more.

21 Q. Did anyone in the executive
22 chamber ever offer you mentorship or coaching
23 about your management style?

24 A. No.

25 Q. Did Jill DesRosiers ever speak to

1 you about the way you treated anyone in the
2 executive chamber?

3 A. Jill would give me feedback.

4 Q. Let's talk about this feedback.

5 What kind of feedback did Jill DesRosiers give
6 you?

7 A. Jill would say, "I think you're
8 being a little bit too hard on that person,
9 like. You know, we've got to give them time
10 to get room to run." Or, "if that person
11 doesn't get back to you right away, call me,
12 and I'll track down the answer."

13 I think she understood that I
14 was a little bit -- I think that Jill thought
15 that I was a little bit too hands-on and
16 micromanaging in some regards, and so she
17 sought to put a little bit more cushion
18 between me and some of the people that she
19 felt like that management style wouldn't be
20 effective with.

21 Q. So who are the people that Jill
22 was trying to put a cushion between you and
23 them?

24 A. I don't remember specifically.

25 Q. Do you remember any specific

1 person that Jill came to speak to about and
2 give you feedback about?

3 A. I feel like Andrew Ball at one
4 point. I hate that that name keeps coming up,
5 but, I think, that's it.

6 Q. Anyone else?

7 A. It's possible, but not that I
8 remember specifically.

9 Q. And let's circle back to Lindsey
10 Boylan. You said that there had been -- I
11 can't remember your words exactly and I don't
12 want to scroll through.

13 But there had been some negative
14 interaction with Ms. Boylan. Can you tell us
15 about what happened?

16 A. Lindsey, when she came to the
17 floor, any time that I heard about Lindsey, it
18 was in the context of Lindsey being a problem.
19 It was [REDACTED] coming to me and saying,
20 "I am not going to work with this woman
21 anymore. She treats my assistants terribly.
22 She is a bully. She refuses to come to
23 meetings."

24 It was Jim Malatras, who at the
25 time wasn't even working for the chamber, but

1 I brought him in to help with the State of the
2 State process. He used to be our state
3 operations director -- I'm sorry, I'm going to
4 speak more slowly -- and our policy director.

5 He's someone I lean on a
6 tremendous amount in terms of his brilliance,
7 and I brought him over as a favor to help us
8 with State of the State. She was really nasty
9 with him, "You're just over here because
10 you're a man, and I should be leading these
11 discussions."

12 She just had this natural
13 tendency to be very aggressive and obnoxious
14 to people, regardless of their station, age;
15 it didn't matter. It was everything from the
16 assistants to the commissioners and to her
17 boss, who was the state operations director,
18 [REDACTED].

19 And [REDACTED] has zero ego.
20 She is just not somebody who needs to be
21 recognized or acknowledged or praised. She
22 just really genuinely cared about the
23 functioning of government. And this was a
24 constant issue.

25 And then she also had a number of

702
July 05, 2021

1 altercations with Annabel and Stephanie and
2 Jill.

3 Q. Can we focus on that interaction
4 she had with you?

5 A. Sure.

6 Q. So what was the interaction she
7 had with you?

8 A. I rarely interacted with her.
9 There's one interaction with her, which has
10 been reported, which was in July of 2018.
11 Jill called me and she was very upset. I
12 don't -- let me stop.

13 I don't remember if it was over
14 the phone or in person, but I believe she
15 called me from, like, across the office. She
16 was sitting in her office.

17 And there was some project event
18 that they had been working on, the events
19 team, and Lindsey had gone around the group,
20 the team, directly to the governor.

21 And Jill called me and said, "I'm
22 not doing this anymore. It's her or me.
23 She's so out of control. She's not a team
24 player. She does this all the time. I'm not
25 doing this anymore."

Melissa DeRosa, Highly Confidential
July 05, 2021

1 Q. Were those Jill's words?

2 A. Pretty -- I mean, I don't -- not
3 necessarily verbatim, but that was the sum and
4 substance.

5 Q. Okay. And it was because --
6 sorry -- Jill's comment that it's her or me
7 stemmed from, you said, Lindsey had gone
8 around the team and gone to the governor.

9 Can you tell us a little more
10 about that? What happened?

11 A. I don't remember specifically if
12 it was a project or an event, but, like, the
13 way that it works with the governor, the way
14 it's supposed to work, is that we reach
15 consensus as a team and then we go in unified.

16 If you don't do that, it
17 doesn't -- it doesn't function. And everyone
18 has an opportunity to raise their perspectives
19 or objectives, opinions, but, ultimately, you
20 come to a group consensus, and then you're all
21 together. You don't undermine one another.

22 And the whole system breaks down
23 when people go directly to him and undermines
24 people, and then, he has a different
25 expectation or he thinks something is ready

704
July 05, 2021

1 that's not ready. And this was a recurring
2 theme with Lindsey. And Jill had reached her
3 breaking point.

4 Q. What was the specific incident
5 that Jill was talking about?

6 A. I don't remember, as I said, if
7 it was a project or an event. But it was
8 something where she had gone around.

9 Q. And earlier you told me there
10 were occasions on which people would go
11 directly to the governor. Right?

12 A. Yes.

13 Q. And that wasn't the preferred
14 protocol, but it happened. In fact, you did
15 that. Right?

16 A. Well, I'm secretary to the
17 governor.

18 Q. Right? And you said other people
19 did that to you. Right?

20 A. Sure.

21 Q. Okay.

22 A. But -- but --

23 Q. Could you just pause for a
24 second? What made Lindsey's attempts to speak
25 to the governor different?

705
July 05, 2021

1 A. Well, as I said, that was the
2 exception, not the rule, and it was not the
3 preferred protocol. And generally, it
4 happened with people not in the executive
5 chamber. It would be a deputy commissioner
6 sees him in the lobby, and it's there one
7 opportunity to speak to him.

8 The people inside the chamber,
9 especially, have a sympathy to making sure
10 that the whole team succeeds and making sure
11 that we're all on the same page.

12 And so, especially, within the
13 executive chamber, people don't do that. With
14 Lindsey, it was chronic.

15 Q. Was there any other individual in
16 the executive chamber who had broken protocol
17 the way you are describing Ms. Boylan did?

18 A. Not chronically, no.

19 Q. Anyone ever do it?

20 A. Sure. As I said.

21 Q. Who else did it?

22 A. As I said, you know,
23 occasionally, Rob Mujica. Occasionally, you
24 know, the state operations director.

25 Q. Who at the time was who?

1 A. [REDACTED] but very rarely.
2 She was very good about that.

3 Q. Okay. And when you say
4 Ms. Boylan broke this protocol chronically,
5 what do you mean by "chronically"?

6 A. Exactly what the word means. She
7 did it all the time.

8 Q. Okay. All the time. So, like,
9 ever day?

10 A. Multiple times a week.

11 Q. Multiple times a week. Okay.

12 Prior to the call in July 2018
13 from Jill DesRosiers, did you speak to
14 Ms. Boylan about your preferred protocol for
15 reaching -- bringing issues to the governor's
16 attention?

17 A. When she came over to the floor,
18 we talked to her -- me, Alphonso, Jill --
19 about how we operate as a team and interact
20 with him.

21 Q. And what did you tell her?

22 A. That we reach team consensus. We
23 go to him with one unified voice. We don't
24 always get our way, but, you know, sometimes
25 you do, sometimes you don't.

1 You stand with the team. You
2 present an idea. If he calls upon you, of
3 course, you should answer him directly and
4 give your perspective. But that it didn't --
5 it wasn't functional for people to go to --
6 run to him constantly with ideas and work
7 outside of the protocol. There's just too
8 much going on.

9 Q. Is that a normal part of the
10 onboarding process for new members of the
11 executive chamber?

12 A. Not formally, but when you're
13 bringing someone in to be a part of senior
14 staff, then yes. Like, I remember having that
15 conversation with [REDACTED] when he became
16 state operations director.

17 I remember having that
18 conversation with Dani Lever when she was
19 first brought in. Like, that was -- you know,
20 we would talk each other through it. You want
21 each other to succeed, and so you try to get
22 everybody going on the right foot.

23 Q. Okay. So what happens after Jill
24 comes to you and says, "It's her or me"?

25 A. I called Lindsey.

1 Q. Okay. Tell us about that
2 conversation.

3 A. I don't remember it exactly, but
4 as she says it was, I said something to the
5 effect of "What the fuck?"

6 Q. Okay. You're saying she says
7 that. But do you remember --

8 A. She said it to Ronan Farrow. I
9 don't have specific memory of --

10 THE WITNESS: What? Well, I'm
11 just saying --

12 MR. HECKER: Just answer what you
13 remember.

14 Q. Just tell me what you remember.

15 A. Oh, okay.

16 Q. What do you remember?

17 A. I remember that I called her and
18 I was -- and I wanted an answer as to why she
19 was doing this.

20 Q. Okay. And what else do you
21 remember about the conversation?

22 A. I remember that she responded
23 screaming, "I don't want to do this anymore,
24 forget this," and hung up the phone.

25 Q. You just imitated her voice. Can

1 you tell me what your voice was like on that
2 call?

3 A. I think how I did it.

4 Q. Just, like, right now?

5 A. Yeah.

6 Q. Your voice was that level?

7 A. No, no, no. I'm sure it
8 was -- I'm sure I said, like, "Lindsey, what
9 is wrong with you?" Something like that.

10 Q. Okay.

11 A. In, like, a stern, you know --

12 Q. And you're not disputing that you
13 might have said, "What the fuck"?

14 A. I'm not.

15 Q. Okay. And then she said -- and
16 then what happens after she says "I'm not
17 doing this"?

18 A. She hung up the phone and I
19 believe left the office for the day.

20 Q. Okay. Did you think she was
21 resigning?

22 A. I don't think I knew. I think
23 that, like, she was -- she had a tendency to
24 have outbursts and then come back the next
25 day. So I don't think I knew.

710
July 05, 2021

1 I was -- it was also in the
2 middle of the 2018 campaign. I was, like,
3 splitting my time between the governor's
4 office and the campaign. I was taking a lot
5 of personal time off.

6 And so I had very little
7 bandwidth, and it was -- this was, like, a
8 constant problem.

9 Q. You said she had a tendency to
10 have outbursts like this.

11 How many other outbursts had she
12 had like this where she left and you weren't
13 sure if she was coming back?

14 A. I don't know if any of them were
15 quite like that, but it wasn't uncommon for
16 her to have an outburst.

17 Q. And when you say "outburst," what
18 do you mean?

19 A. Respond to somebody yelling and
20 then either, like, close her door or leave for
21 the afternoon.

22 Q. Okay.

23 A. But not saying, like, "I quit."

24 Q. Right. And on this occasion in
25 July, she didn't tell you she quit. Right?

July 05, 2021

1 A. I don't think so.

2 Q. You just weren't sure if she had
3 or not?

4 A. Well, not I wasn't sure if she
5 had or not. I wasn't sure what her intention
6 was after that phone call.

7 Q. Okay. And are there any other
8 occasions in which Ms. Boylan had an outburst
9 and you weren't sure what her intentions were?

10 A. Yeah, the day that Alphonso David
11 confronted her.

12 Q. You're talking about in September
13 of --

14 A. 2018.

15 Q. -- 2018?

16 A. Yes.

17 Q. Any other occasions in which
18 Ms. Boylan had an outburst and you weren't
19 sure what her intentions were?

20 A. Not specifically.

21 Q. Okay. So she hangs up and
22 leaves. And then what happens?

23 A. I told Linda, Alphonso, and Jill
24 about the incident.

25 Q. Okay. So Linda Lacewell,

1 Alphonso David, and Jill DesRosiers --

2 A. I'm sorry.

3 Q. It's okay. We'll fill it in
4 together. Okay.

5 So what did you tell Linda
6 Lacewell?

7 A. I summarized her conversation.

8 Q. You did this over the phone or in
9 writing?

10 A. No, I think in person.

11 Q. Okay. With all three of them?

12 A. Yeah, we -- the 39th floor of 633
13 Third Avenue, there's not that many offices.
14 So if you're, you know, dealing with something
15 sensitive, typically you, like, huddle in
16 somebody's office. It's just walking, you
17 know, a couple of feet.

18 Q. All right. Tell us about the
19 huddle.

20 MR. HECKER: Hang on one second.

21 THE WITNESS: Oh, because
22 Alphonso?

23 MR. HECKER: Well, I'm just
24 trying to understand, we're talking
25 about in -- this is in 2018?

July 05, 2021

1 MS. KENNEDY PARK: July 2018.

2 MR. HECKER: I had understood
3 that the executive chamber was asserting
4 privilege over that discussion with
5 counsel.

6 If I'm wrong, I'm happy to
7 correct the --

8 MS. KENNEDY PARK: They've
9 produced text messages between you and
10 Ms. Lacewell and Ms. DesRosiers about
11 this incident, and Mr. David. So ...

12 MR. HECKER: I'm fine with
13 being -- asking her about those,
14 obviously. I just -- I'm not the one
15 drawing the lines. So I don't want to
16 get her crosswise with the decisions the
17 chamber's made about privilege.

18 MS. KENNEDY PARK: Okay. So for
19 that conversation, you're going to
20 instruct her not to answer on the
21 grounds of executive chamber privilege?

22 MR. HECKER: I'm happy to take a
23 break and called Mitra Hormozi or Paul
24 Fishman. I --

25 MS. KENNEDY PARK: Let's not do

1 that.

2 MR. HECKER: Okay.

3 BY MS. KENNEDY PARK:

4 Q. So after the privileged
5 conversation that you had with Ms. Lacewell,
6 Mr. David, and Ms. DesRosiers, what happens
7 next?

8 A. I sent Lindsey a text message and
9 said something to the effect of, you know,
10 "I'm sorry that it was a tough conversation.
11 I hope to see you back tomorrow. Fighting to
12 make New York a better place, and if you need
13 me, I'm here."

14 Q. Were you sorry?

15 MR. HECKER: Were you -- I'm
16 sorry?

17 Q. Were you sorry?

18 A. I was sorry that it was so
19 heated.

20 Q. And then what happens after that?

21 A. She responded in a text message
22 that night, responding essentially, "I
23 don't" -- you know, "I don't mind tough days.
24 I can't handle conversations like that."

25 And I -- sorry. I should wait

1 for you to ask another question.

2 Q. What happens next?

3 A. I didn't respond because I didn't
4 think it would be productive.

5 Q. Did you have an understanding as
6 to whether Ms. Lacewell reached out to
7 Ms. Boylan?

8 A. The next day.

9 Q. And do you have an understanding
10 as to whether Mr. David reached out to
11 Ms. Boylan?

12 A. I think Alphonso talked to her
13 the same day that I spoke to her.

14 Q. Any understanding if
15 Ms. DesRosiers spoke to her?

16 A. It's my understanding Jill and
17 Lindsey had a conversation first, and that's
18 what prompted Jill to call me and why I then
19 called Lindsey.

20 Q. After you called Lindsey, did
21 Jill have a conversation with Ms. Boylan?

22 A. Not that -- I don't know. I
23 don't think that day.

24 Q. After that day?

25 A. I -- well, she came back to work.

716
July 05, 2021

1 So everyone talked to her again at some point.
2 But Linda was the one who had a conversation
3 with her after the incident -- after that
4 incident.

5 Q. And what do you know about the
6 conversation between Ms. Lacewell and
7 Ms. Boylan?

8 A. I don't know anything specific,
9 just that Linda said, you know, "You're an
10 important part of the team. We all need to
11 work together." You know, "I hope that you're
12 part of the team," something like that.

13 MS. KENNEDY PARK: Can I ask a
14 question? So the chamber is not
15 asserting privilege over the --

16 MR. HECKER: I don't know.

17 MS. KENNEDY PARK: -- discussion
18 between Ms. Lacewell and Ms. Boylan, but
19 they are asserting privilege over the
20 discussion between Ms. Lacewell and Ms.
21 DeRosa?

22 MR. HECKER: Say that again, the
23 first -- the --

24 MS. KENNEDY PARK: Okay. So we
25 just asserted privilege over the

1 conversation with Ms. DeRosa that was
2 had by Ms. Lacewell and Mr. David.
3 Right?

4 MR. HECKER: That she was
5 listening in on. That she was --

6 MS. KENNEDY PARK: That she was
7 present for. Right?

8 MR. HECKER: Yeah.

9 MS. KENNEDY PARK: And now we're
10 talking about a conversation that
11 Ms. Lacewell had with Ms. Boylan, but
12 the chamber has not directed you to
13 assert privilege over that?

14 MR. HECKER: You mean between
15 Lacewell and --

16 MS. KENNEDY PARK: No.
17 Ms. Lacewell and Ms. Boylan.

18 MR. HECKER: Well, I don't know
19 whether they're asserting privilege over
20 that conversation, but she's not in it.
21 So ...

22 MS. KENNEDY PARK: They're
23 not -- she's going to tell me now what
24 just happened in the conversation, but
25 the executive chamber hasn't instructed

1 you to assert privilege over it?

2 MR. HECKER: Do you know?

3 I don't know the answer to that.

4 I don't have clear instruction on it, so

5 I just don't know.

6 THE WITNESS: Can I be helpful?

7 MR. HECKER: No.

8 MS. KENNEDY PARK: Not on the
9 record.

10 MR. HECKER: No. We can take a
11 minute if you want.

12 MS. KENNEDY PARK: Why don't you
13 take a minute. Right? Why don't we go
14 off the record.

15 THE VIDEOGRAPHER: The time is
16 1:34 p.m. This concludes Media 4. Off
17 the record.

18 (Recess taken from 1:34 p.m. to
19 1:41 p.m.)

20 THE VIDEOGRAPHER: The time is
21 1:41 p.m. This begins Media 5. On the
22 record.

23 BY MS. KENNEDY PARK:

24 Q. I think where we left off is:

25 What was your understanding of the

1 conversation that Ms. Lacewell had with
2 Ms. Boylan?

3 A. I don't have a specific memory,
4 but I've seen the texts. And, I mean, the
5 texts, I think, are self-explanatory in that
6 she says, "I spoke to her. I don't know if
7 she'll be back, but we'll see."

8 Q. Do you have a memory of that
9 separate from the text messages?

10 A. No.

11 Q. Okay. And how did the -- and
12 then how did the situation resolve?

13 A. She came back.

14 Q. And was there any discussion
15 after she came back about that incident?

16 A. Not that I recall.

17 Q. Was there any
18 suggesting -- suggestion that Ms. Boylan get
19 coaching?

20 A. No, I don't -- not that I recall.

21 Q. Was there any suggestion that she
22 get counseling?

23 A. We had an ongoing conversation
24 with Alphonso about the fact that this kept
25 happening and that it all, sort of, came to a

720
July 05, 2021

1 head in September, which is when she was
2 getting counseled.

3 Q. So prior to July of 2018, you're
4 saying that there had been conversations about
5 getting Ms. Boylan counseling?

6 A. About, like, this is not
7 stopping; in fact, it's only getting worse and
8 more widespread behavior, and we need to do
9 something about this.

10 But, I mean, unfortunately, and
11 this is not a great human resources answer,
12 but in a world where there's, like, a million
13 things going on, it's, like, you'll have that
14 conversation and then unfortunately not follow
15 up.

16 And it wasn't until September
17 when ESD actually asked that she be removed
18 from the floor and from the payroll because of
19 her treatment of subordinates on the floor;
20 that they came with that formal request, made
21 a formal complaint.

22 There were a number of --

23 Q. Why don't you pause just for a
24 second?

25 A. Sorry.

1 Q. So the question was: Prior to
2 July of 2018, was there any counseling that
3 was provided to Ms. Boylan?

4 A. No, not that I know of.

5 Q. Okay. But there were -- you said
6 there were discussions about providing her
7 counseling?

8 A. I think in the summer. I don't
9 think about earlier -- I don't earlier than
10 that conversation that I had with her.

11 Q. So you think after July 2018
12 there were discussions about counseling for
13 her?

14 A. Yeah. I just remember in the
15 run-up to the ultimate September parting of
16 ways that there were conversations, that it
17 was -- this was not -- it wouldn't be
18 tolerable in the long run. We had to figure
19 this out.

20 Q. But that counseling did not occur
21 between July 2018 and September 2018?

22 A. I don't know if Alphonso had
23 independent conversations with her. I don't
24 know.

25 Q. Okay. But to your knowledge --

1 A. But not that I recall.

2 Q. To your knowledge, no counseling
3 occurred?

4 A. Not that I recall.

5 Q. Okay. Can you recall anyone else
6 in the -- I think we covered this earlier, but
7 remind me. -- anyone else in the executive
8 chamber who had received counseling?

9 A. [REDACTED], [REDACTED]. Those
10 are the two I remember off the top of my head.
11 But I'm sure there are more.

12 Q. Okay. And [REDACTED], what did
13 he do that resulted in counseling?

14 A. [REDACTED], who used to work for
15 us, complained about his treatment of her, and
16 so he was formally counseled.

17 Q. And when you say -- we're talking
18 about counseling. Let's make sure we have the
19 same definition.

20 When you're saying "counseling,"
21 what do you mean?

22 A. I mean that Alphonso and one
23 other person, generally Camille Varlack or
24 whomever the ethics officer is at the time,
25 would sit someone down, go through complaints

1 that are made against them while obviously
2 protecting complainants' names, and their
3 behavior in the office, review what
4 their -- how they are supposed to be behaving
5 per the handbook, and advise them on how
6 things needed to change moving forward.

7 Q. And did Mr. [REDACTED] counseling
8 result in him leaving the executive chamber?

9 A. No.

10 Q. What happened with him?

11 A. He understood that how he behaved
12 towards [REDACTED] was not acceptable, and from my
13 understanding, he changed his behavior towards
14 her.

15 Q. And who did [REDACTED]
16 counseling?

17 A. I believe Alphonso and Judy at
18 different points.

19 Q. Anyone else you can remember
20 getting counseling?

21 A. Those are the only ones I can
22 remember off the top of my head. I'm sorry.

23 Q. And [REDACTED] counseling, did
24 that directly result in him leaving the
25 executive chamber?

1 A. No. I think that [REDACTED]
2 finally understood that [REDACTED] was -- it
3 wasn't going to work and it was time to find
4 something new.

5 Q. So if my understanding is right,
6 that the purpose of the counsel is to --

7 A. Improve your --

8 Q. -- get someone to change their
9 behavior?

10 A. Yes.

11 Q. Improve their behavior?

12 A. Yes.

13 Q. So their behavior is consistent
14 with the handbook?

15 A. Yes.

16 Q. It's not a "You're getting fired"
17 message?

18 A. Correct.

19 Q. I got you. All right. So why
20 don't we look at what's Tab 4 in your binder.

21 A. These are very intense binders.

22 Q. All right. So this is -- if I'm
23 right, what you're looking at is a series of
24 text messages between you, Jill DesRosiers,
25 Alphonso David, and Linda Lacewell, from

1 July 26, 2018. Is that right?

2 A. Correct.

3 Q. And there's an attachment that
4 you send. And that attachment appears to be
5 what's on page 2, which is a snapshot or
6 screenshot of a text message between you and
7 Lindsey Boylan.

8 Is that right?

9 A. Correct.

10 Q. Is this a text message between
11 you and Ms. Boylan you were referring to
12 earlier?

13 A. Yes.

14 Q. Where she says:

15 "I don't mind tough days at all"?

16 A. Yes.

17 MS. KENNEDY PARK: Oh, yeah,
18 let's mark this as the next exhibit.

19 (Exhibit 8, Text messages between
20 Melissa DeRosa, Jill DesRosiers,
21 Alphonso David, and Linda Lacewell from
22 July 26, 2018, marked for
23 identification, as of this date.)

24 Q. And then the next day, Ms. Boylan
25 writes:

726
July 05, 2021

1 "I'm not sure why Alphonso
2 couldn't pick up the phone or ask me
3 himself. What I said and why I was
4 asking him, Alphonso, to join the
5 meeting. That's not a team. That's
6 either because he is afraid of me or
7 doesn't respect me."

8 Do you have an understanding of
9 what she's referring to there?

10 A. No.

11 Q. You said that the interaction
12 with Jill was about disregarding protocol.

13 What was Alphonso David's role in
14 that protocol?

15 A. I don't remember. I don't
16 remember -- I've seen this exchange in the
17 lead-in to this interview. I don't remember
18 specifically.

19 Q. Okay. Do you remember generally
20 what the issue was with Mr. David?

21 A. No.

22 Q. Okay. And then she says:

23 "This is after I had already been
24 read the riot act by Jill."

25 Do you have an understanding what

1 she meant by being read the riot act by Jill?

2 A. I think, and, like, looking at
3 this and refreshing my memory, it's what I
4 said earlier, which is I think that my
5 conversation came after the conversation Jill
6 had with her.

7 Q. Okay. And that she was
8 interpreting her conversation with Jill as
9 having been read the riot act?

10 A. Yes.

11 Q. Okay. And then Mr. David wrote
12 back in the next set of texts on the next
13 page:

14 "I'm not doing this. She is
15 certifiably [REDACTED]. One day it is one
16 person, the next day it is someone
17 else."

18 Do you remember that?

19 A. I've seen this so -- in that
20 context.

21 Q. Do you have any independent --

22 MR. HECKER: Sorry. The
23 questions she's asking about your memory
24 are going to be, like, your memory, not
25 just do you remember seeing this text in

1 prep. That's not the question.

2 MS. KENNEDY PARK: I don't want
3 to know about what you saw with your
4 lawyer.

5 A. Okay. So no.

6 Q. Okay. Do you remember any
7 conversations with Mr. David about Ms. Boylan
8 being one day one person and the next day
9 someone else?

10 A. This was a constant dialogue. I
11 don't remember a specific conversation with
12 Alphonso in the lead into September, but this
13 was a constant refrain.

14 Q. I'm trying to understand. This
15 was a constant refrain before July 26, 2018?

16 A. Yes, it started earlier.

17 Q. Okay. And so the discussion
18 about potentially giving her counseling
19 started before July 2018?

20 A. No, I don't -- I don't remember
21 specifically when we talked about "counseling
22 her." But I don't think it was before July.
23 But Alphonso may have a different
24 recollection.

25 Q. Okay. If you flip through on the

1 26th -- let's see. On the bottom it says
2 -4837. Ms. Lacewell says that "She didn't say
3 it's over."

4 This is after Ms. Lacewell has a
5 conversation with Ms. Boylan. What did you
6 understand Ms. Lacewell to mean by "She didn't
7 say it's over"?

8 A. What I said before, that it
9 wasn't necessarily that she was leaving.

10 Q. What did -- what did Ms. Boylan
11 say to you was her perspective on this issue
12 of breaching protocol?

13 A. The conversation she and I had
14 was very short. We didn't talk about it
15 again.

16 Q. You never spoke again about the
17 issue of protocol for contacting the governor
18 with Ms. Boylan?

19 A. Not based on my recollection, no.

20 Q. Did anyone else between July of
21 2018 and September of 2018, to your knowledge,
22 have a conversation with Ms. Boylan about the
23 protocol for contacting the governor?

24 A. Rob talked to her a lot about it.

25 Q. Okay. And what do you know about

1 the conversations between Mr. Mujica and
2 Ms. Boylan about the protocol for contacting
3 the governor?

4 A. Lindsey and Rob had a very
5 friendly relationship, and I think that he was
6 trying to coach her to be successful and not
7 take things so personally. She would pin the
8 governor or call the governor and say, "I have
9 this idea for this project."

10 And the governor would say,
11 "Great, run that by Rob and [REDACTED]"

12 And then she would go to Rob and
13 say, "What does he think, I'm stupid? You
14 know, this is so insulting. I have to go run
15 it by you and [REDACTED]"

16 And Rob would say, "Lindsey,
17 we -- nobody just runs the governor things.
18 We talk these things through. Like, it
19 shouldn't be insulting to you that he's asking
20 you to talk to me about a project."

21 "I have 25 years of experience in
22 this area. [REDACTED] is the head of development
23 for the MTA. And he wants us to all be a team
24 and talk to each other about these things."

25 And I know that, you know, she

1 would constantly run to Rob and, you know,
2 complain or vent about her frustrations on
3 these things, and that he would try to give
4 her positive feedback to improve. I think
5 that they've had a friendly relationship.

6 Q. And in the conversations that you
7 understand were had between Mr. Mujica and
8 Ms. Boylan, what did she say was her
9 perspective on why she was going directly to
10 the governor?

11 A. She was just offended that she
12 didn't have that direct line, that she felt
13 like she should be able to go directly to him,
14 and that if she didn't, it's because she was
15 being disrespected in some way.

16 Q. Okay. Did she ever say that she
17 felt that other people had a direct line to
18 him and that she should also?

19 A. I don't know.

20 Q. Do you know anything else about
21 what Ms. Boylan said was her perspective to
22 Mr. Mujica?

23 A. No, I mean, I know that she told
24 Rob that she [REDACTED] Annabel and Stephanie and
25 Jill, that she thought I was a [REDACTED], that I

1 had [REDACTED], and that she felt like
2 she was being "discluded" from things that she
3 should be in charge of because she had more
4 talent in her pinky than everyone in the
5 building.

6 Q. Are those all quotes you're
7 offering us from Mr. Mujica that he said
8 Ms. Boylan said?

9 A. The Annabel, Stephanie, Jill,
10 yes. The [REDACTED] and [REDACTED], yes,
11 and I believe she put it in writing. And the
12 part about more talent in her pinky, I think
13 she expressed to [REDACTED] in writing.

14 Q. And when did you learn about
15 these things?

16 A. With Rob, I learned about them
17 after the fact, in March of last year when she
18 sent her threatening text message to him.

19 With the [REDACTED], more
20 talent in my pinky, at the time, because that
21 was, sort of, [REDACTED] breaking point when she
22 came to me and said, "Her or me. I'm not
23 doing this anymore."

24 Q. Sorry. When you say you learned
25 about all the things about Annabel, about Dani

1 Lever, about Stephanie Benton, about the [REDACTED]
2 comment, and [REDACTED] comment, and about
3 her complaining about being excluded, those
4 were in March of 2020?

5 A. Correct.

6 Q. Okay. And that the talent in the
7 pinky was when?

8 A. It was in an e-mail that Lindsey
9 wrote to [REDACTED] in September of 2018.

10 Q. And when was the last time you
11 saw that e-mail?

12 A. In preparation for today.

13 MR. HECKER: You're talking about
14 outside of prep? I'm not -- look, did
15 you have a recollection of having seen
16 that at the time?

17 THE WITNESS: It was a pretty
18 unforgettable e-mail.

19 MR. HECKER: Okay.

20 Q. And you said [REDACTED] said
21 it was either her or Ms. Boylan?

22 A. She -- yes.

23 Q. When was that?

24 A. In sum and substance. In
25 September of 2018. She sent me a series of

1 e-mails where [REDACTED] assistant had inquired
2 as to the location of the dep secs, because
3 there was going to be a storm, and that's a
4 traditional thing that the state operations
5 director does, figure out where all the
6 commissioners are, figure out where all the
7 dep secs are, so you can deploy assets and
8 resources around the state.

9 Lindsey responded, essentially
10 saying, "How dare you ask where I'm going to
11 be, and if this governor or senior staff need
12 to get me, they can get me whenever they want.
13 They have my phone numbers."

14 And then separately, she refused
15 to get on State of the State calls that [REDACTED]
16 and her deputy, [REDACTED], were running
17 because she felt it was a waste of her time
18 and beneath her if she wasn't involved in
19 conversations with [REDACTED] and Jim
20 Malatras, because they were really the
21 decision makers, and that she wasn't going to
22 participate in anything with her anymore.

23 And [REDACTED] finally reached a point
24 where she started forwarding me these e-mails
25 and was like, "Melissa, I'm not doing this

1 anymore. I'm not doing this with her. Like,
2 either she goes or I go."

3 And at this point, again, this
4 was, like, right around the time of the
5 primary in 2018. I was taking a lot of time
6 off working on the campaign, and it was, like,
7 any time that I was getting any outreach,
8 like, that there were issues in the office, it
9 always seemed to be associated with Lindsey.

10 Q. And what did you do after
11 Ms. [REDACTED] outreach?

12 A. I forwarded the e-mails to
13 Alphonso.

14 Q. And what did you ask him to do?

15 A. I said, "Please create a file for
16 Lindsey."

17 Q. It sounds like you remember that
18 e-mail, so why don't we pull it up.

19 A. Sure.

20 Q. Tab 165.

21 (Exhibit 9, E-mails including
22 e-mail from Lindsey Boylan to [REDACTED]
23 [REDACTED], marked for
24 identification, as of this date.)

25 MS. KENNEDY PARK: Let's mark

1 this as the next Exhibit.

2 Q. The bottom -- the very bottom is
3 an e-mail from Lindsey Boylan to [REDACTED]

4 [REDACTED]
5 And then there's an e-mail from [REDACTED] to you,

6 Ms. Lacewell, and Ms. DesRosiers that says:

7 "I am sick and tired of the way
8 she treats people."

9 Is this the e-mail you were
10 referring to?

11 A. One of, yeah.

12 Q. And in it she says -- Ms. [REDACTED]
13 says:

14 "She needs to be counseled."

15 Was that a reference to Lindsey
16 Boylan?

17 A. I'm sorry, let me just -- if it's
18 okay.

19 (Document review.)

20 Yes.

21 Q. And then the next e-mail, you
22 respond to Mr. David, Ms. Lacewell, and
23 Ms. DesRosiers. And you say:

24 "Alphonso, please create a file
25 for Lindsey. Please put this in it."

1 A. Yes.

2 Q. Okay. Is that the e-mail you
3 were just referring to?

4 A. Yes.

5 Q. Okay. And what did you mean by
6 "create a file"?

7 A. In my experience, when you have
8 personnel issues, you have to document them.
9 And so I was saying, we have an issue, the
10 state operations director, who is her official
11 boss, is saying she needs to be counseled. So
12 I think you have to create -- start to create
13 a record.

14 Q. Okay. And had you ever asked
15 Mr. David before to create a record or a file
16 for someone because of an HR issue?

17 A. I think [REDACTED]. And I don't
18 think I asked him to do that. I think that
19 Jill did. But I knew about it.

20 Q. Anyone else?

21 A. Not that I recall.

22 Q. Anyone else you were aware of
23 that had a file like this created for them?

24 A. Not that I recall, but I'm sure
25 there are others.

1 Q. How about [REDACTED]?

2 A. Oh, I'm sure [REDACTED]

3 Q. How are you sure?

4 A. Well, I'm -- I take that back.

5 I'm not sure. I assume.

6 Q. Don't assume. Do you know if

7 [REDACTED] --

8 A. I don't.

9 Q. -- has a file like this?

10 A. I don't.

11 Q. [REDACTED]

12 A. I don't know.

13 Q. And then Mr. David responds:

14 "We manage all allegations/claims
15 using the same process and applying the
16 same standard. Accordingly, given that
17 this was independently forwarded to
18 counsel's office, we have already begun
19 compiling information regarding this and
20 other allegations regarding this
21 employee."

22 What did you understand Mr. David
23 to mean when he said, "We use the same
24 process"? What was the process?

25 A. I think exactly what -- I think

739
July 05, 2021

1 his words mean what they say, that he was
2 saying that, you know, she -- I think that he
3 was responding to the fact that I said,
4 "Create a file for Lindsey" to make clear that
5 this was not a unique situation.

6 And with any complaints, they're
7 handled the same way, which is that you begin
8 to compile complaints.

9 Q. Okay. So you understand that
10 what he was writing back was, this is normally
11 what we do, we create a record of the
12 complaints?

13 A. That's how I understood it.

14 Q. And what was your expectation
15 about what Mr. David would do after he created
16 the file with this document in it?

17 A. Counsel Lindsey.

18 Q. Did you have any other
19 expectation about what he would do?

20 A. No.

21 Q. Did you expect him to
22 investigate?

23 A. Yes.

24 Q. Okay. And what did you -- how
25 did you expect him to investigate?

1 A. Talk to the people who were
2 making official complaints to get their side
3 of things, and also speak to Lindsey.

4 Q. Were you aware of Mr. David
5 having done that type of investigation in any
6 other circumstance?

7 A. With the [REDACTED]
8 situation.

9 Q. Anyone else?

10 A. I don't remember off the top of
11 my head. That's just one that specifically
12 sticks out.

13 Q. And to your knowledge, is that
14 what Mr. David did?

15 A. I think so.

16 Q. And what do you base that on?

17 A. Because I remember that he spoke
18 to Senior Staffer #2 and Senior Staffer #3 at the time. And I
19 remember that [REDACTED] said that she appreciated
20 that I had taken her complaint to Alphonso.
21 And so I assumed that that meant that he was
22 managing it from there.

23 Q. Do you understand
24 Senior Staffer #2 [REDACTED] to be making a complaint
25 about Ms. Boylan?

1 A. Yes.

2 Q. Did you understand Senior Staffer #3
3 to be making a complaint about Ms. Boylan?

4 A. Yes.

5 Q. And what is your basis for saying
6 that you understood Snr Staffer #2 to be making a
7 complaint about Ms. Boylan?

8 A. Not dissimilar to [REDACTED] They
9 had nasty e-mail exchange, which then was
10 forwarded to Alphonso and said, "I want to
11 make a complaint."

12 Q. Snr Staffer #2 did that?

13 A. It was either she or Snr Staffer #3 but
14 they were both on the same chain.

15 Q. And they said -- your
16 recollection is that in those documents, they
17 said, "We want make a complaint"?

18 A. Yes.

19 Q. And so did Ms. Boylan get
20 counseling?

21 A. An attempt at it, yes.

22 Q. And by "attempt at it," what is
23 your understanding of what happened?

24 A. That Alphonso --

25 THE WITNESS: Am I allowed to

1 talk about this?

2 A. That Alphonso sat her down.

3 THE WITNESS: Am I allowed to

4 talk about this?

5 MR. HECKER: Hang on.

6 I think this is privileged.

7 MS. KENNEDY PARK: There are --

8 MR. HECKER: I think --

9 MS. KENNEDY: -- piles of

10 documents about this.

11 MR. HECKER: Can you -- look, I
12 don't want there to be an issue. Can
13 you use the documents and ask her about
14 those? If they produced the documents,
15 go for it.

16 MS. KENNEDY PARK: I'd like to
17 know what she knows.

18 BY MS. KENNEDY PARK:

19 Q. So what do you know about what
20 happened with Ms. Boylan? And how do you know
21 it?

22 Why don't you start with: How do
23 you know it?

24 MR. HECKER: Do you only know it
25 through discussions with counsel;

1 Alphonso David in particular?

2 THE WITNESS: Yeah.

3 MR. HECKER: Have you seen
4 documents relating to it separately?

5 THE WITNESS: The memo that was
6 put on file subsequently.

7 MS. KENNEDY PARK: Are you going
8 to allow her to testify what --

9 BY MS. KENNEDY PARK:

10 Q. In the moment what Mr. David told
11 you?

12 MR. HECKER: The memo has been
13 produced. Right?

14 MS. KENNEDY PARK: The memo's
15 been produced. This has all been
16 waived. I mean, there's press articles
17 about this.

18 MR. KIM: The subject of Lindsey
19 Boylan and Alphonso David has been
20 waived as far as I -- a number of people
21 have testified about it.

22 I mean, it's our view it's, sort
23 of, sword and shield.

24 But consultations with -- you
25 know, and what they did with Lindsey

1 Boylan, that's been openly discussed.

2 MR. HECKER: Go ahead.

3 THE WITNESS: Okay.

4 A. Following their meeting, Alphonso
5 and I spoke. I don't remember if it was on
6 the telephone or in person. But he told me
7 that he had sat her down with, I think,
8 Camille -- I think Camille, but there was
9 definitely another person present.

10 And that they talked to her about
11 the complaints that had come in; the three
12 women at ESD and the fact that Howard Zemsky
13 and the counsel at ESD had formally requested
14 she be removed from the ESD line and the
15 floor.

16 Senior Staffer #3 and Senior Staffer #2 feeling
17 that she mistreated them.

18 [REDACTED] -- and I can't
19 remember if there was more than that, but at
20 least those instances. And that they
21 attempted to speak to her about it, but it
22 didn't go very far, that she pretty quickly
23 erupted and said, "I'm quitting," and she
24 left.

25 And then I found out subsequently

1 that day from a lobbyist that she had sent out
2 a blast e-mail to her contacts saying, "Today
3 is my last day in the executive chamber."

4 BY MS. KENNEDY PARK:

5 Q. Okay. And before that
6 conversation with Mr. David, were you aware of
7 the three women at ESD who had raised concerns
8 about Ms. Boylan?

9 A. Yes.

10 Q. And how did you become aware of
11 that?

12 A. From Alphonso. It's, like, a
13 very serious thing when an agency requests to
14 have somebody removed from the floor and the
15 line. It's -- I don't have any memory of that
16 ever happening.

17 Q. I think the question I asked was:
18 How did you become aware?

19 A. Yeah.

20 Q. You became aware of it through
21 Mr. David?

22 A. Yeah.

23 Q. So prior to the conversation
24 after the meeting with Lindsey Boylan
25 between -- between "Mr." Boylan and Mr. David,

1 that was not the first time you heard about
2 these three women?

3 A. No.

4 Q. Okay. And so then you said after
5 the meeting, Lindsey Boylan -- at the meeting,
6 Mr. David reported that Lindsey Boylan had
7 said she quit?

8 A. Yes.

9 Q. Okay. She told Mr. David she
10 quit?

11 A. Yes.

12 Q. Okay. And then she said --

13 A. I think so.

14 Q. Your recollection is that Mr.
15 David told you --

16 A. Yes, that's my --

17 Q. -- that Ms. Boylan had quit?

18 A. That's my recollection.

19 Q. Okay. And this was --

20 A. I just -- I'm hedging a little
21 bit because I don't remember if it was a
22 situation like when I spoke to her on the
23 phone, and she, like, left the office and we
24 were unsure of what was going on.

25 But I know that shortly

July 05, 2021

1 afterwards, she sent out a blast e-mail to her
2 contacts saying that today was her last day in
3 the executive chamber.

4 Q. Okay. So in between the meeting
5 with Mr. David that you had and you learning
6 of the blast e-mail, it sounds like you had
7 some concern that maybe you were in this "what
8 is her intention" place, like you had
9 described to me before, is she quitting or is
10 she not quitting. Is that right?

11 A. No.

12 Q. No?

13 A. I'm saying I don't remember if
14 Alphonso said to me that she declared in the
15 meeting that she was quitting, or if it wasn't
16 until afterwards.

17 So I'm not -- I don't want to
18 characterize what I knew at the time as saying
19 I was in that place of I don't know. I'm just
20 saying to you my memory isn't clear.

21 Q. Okay. Your memory is not clear
22 as to whether you understood, based upon your
23 meeting with Mr. David, that Ms. Boylan had
24 quit?

25 A. That's what I'm saying.

1 Q. Okay. And that she had, on prior
2 occasions, caused some confusion about whether
3 she was quitting the executive chamber?

4 A. At least the one instance with
5 me.

6 Q. Are you aware of any other
7 instances?

8 A. No.

9 Q. You told me that she had had
10 multiple outbursts like the one with you.
11 Right?

12 A. Yes.

13 Q. And on those other outbursts, I
14 think you already told me that her intention
15 as to whether she was going to remain in the
16 chamber was unclear. Is that right?

17 A. I don't think so.

18 Q. Okay.

19 A. There were other times when she
20 had outbursts with staff and she would act
21 out, but I don't remember any other specific
22 time when I thought to myself, is she not
23 coming back or coming back. That doesn't
24 necessarily mean that it didn't happen, but I
25 only recall that one time.

1 Q. I see. Meaning it didn't happen
2 with other people, just not you?

3 A. That's what I'm saying. I
4 don't -- I can't, you know, speak to every
5 incident.

6 Q. Okay.

7 MS. CLARK: Jen, can I just jump
8 in?

9 MS. KENNEDY PARK: Yeah, sure,
10 sure.

11 MS. CLARK: So you said the ESD
12 wanted her removed from their floor.

13 Why didn't she move to the
14 executive chamber floor when she
15 switched from ESD to becoming deputy
16 secretary?

17 THE WITNESS: So she had a very
18 big office on 37, and all of the offices
19 on 39 where the governor sits, which is
20 sort of viewed as, like, that's where
21 all the senior staff are, there were no
22 offices that were similar to the one
23 that she had on 37.

24 So when she came over, she
25 requested to stay on 37 so that she

1 could keep her office and her assistant,
2 because, otherwise, she would have been
3 either severely downgraded in terms of
4 office size, or she would have gone to
5 the 38th floor, which she viewed as,
6 like, beneath her.

7 MS. CLARK: It was her request to
8 stay on 37?

9 THE WITNESS: Yeah.

10 BY MS. KENNEDY PARK:

11 Q. Did she tell you that she viewed
12 being on the 38th floor as being beneath her?

13 A. Not in those specific words.

14 Q. And what were the words she used?

15 A. I didn't have the conversation
16 with her. Jill had the conversation with her.
17 And I believe, based on my recollection, that
18 Jill said, "Either you can have one of these
19 smaller offices on 39, or we can give you a
20 bigger office on 38." And that she didn't
21 react well to the idea of being put on the
22 38th floor.

23 Q. Okay. And what else did Jill
24 tell you about her not reacting well?

25 A. That Jill's takeaway was she

1 viewed it as being beneath her.

2 Q. All right. So circling back, so
3 now you're not sure exactly the memory of what
4 Mr. David told you about whether she was
5 quitting or not, but then you become aware
6 that there is an e-mail that Ms. Boylan has
7 sent.

8 Were you on that e-mail?

9 A. I don't remember. I
10 didn't -- let me put it this way: If I was,
11 that wasn't how I learned of it.

12 Q. Okay. And you learned of it
13 from?

14 A. A lobbyist.

15 Q. Okay. Which lobbyist?

16 A. I think it was -- I think it was
17 [REDACTED]. I don't -- [REDACTED]. But I
18 don't remember. I think it was him.

19 Q. Okay. So after you learned about
20 the e-mail, what did you do?

21 A. I think I called the
22 communications department and said, "We may
23 get press incoming on this."

24 Q. Okay. And by calling the
25 communications department, who did you call?

1 A. Dani and Rich.

2 Q. Okay. And what did they say?

3 A. I just said, "I'm flagging this.
4 I feel like you could get press incoming. If
5 you do, let me know."

6 Q. Okay. Did you make any attempt
7 to reach out to Ms. Boylan?

8 A. I don't think so.

9 Q. Did you speak to anyone else in
10 the executive chamber about the e-mail other
11 than Dani Lever and Rich Azzopardi?

12 A. I think Alphonso.

13 Q. Okay. And what do you recall
14 about your conversation with Mr. David?

15 A. I don't. I think I just was
16 like, "Well, she sent this out. So I guess
17 that's that."

18 Q. Did you start looking for a
19 replacement?

20 A. Not in two days, but, yeah,
21 pretty immediately.

22 Q. How immediately after that e-mail
23 did you start looking for a replacement?

24 A. That's an important job. So I
25 don't remember specifically, but sometime in

July 05, 2021

1 the near future.

2 Q. Did you ever speak to the
3 governor about Ms. Boylan's leaving the
4 executive chamber?

5 A. Yes.

6 Q. Okay. And tell us about that
7 conversation.

8 A. Alphonso and I spoke to him
9 together.

10 THE WITNESS: Is that --

11 MR. HECKER: Yeah. I mean, I
12 think that's privileged unless
13 Alphonso's already disclosed it.

14 MS. KENNEDY PARK: So just to be
15 clear, the executive chamber's position
16 as communicated to you -- sorry, just
17 got to make a record -- the executive
18 chamber's position as communicated to
19 you is that you can disclose the
20 conversations with Ms. Boylan, but you
21 can't disclose the conversations with
22 the governor related to Ms. Boylan?

23 MR. HECKER: Can -- I don't know
24 that that fairly captures it. There are
25 some conversations we were aware of and